

Fundamentals of Criminal History Reporting MISSOURI



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This manual was funded through a grant provided by the National Criminal History Improvement Project (NCHIP). It is to be used as a procedural guide for improving the accuracy and completeness of Missouri's criminal history system.

NCHIP originated in 1995 as a component of the Brady Bill. The Brady Bill, named after former White House Press Secretary James Brady, pulled together provisions of several federal laws including the National Child Protection Act of 1993 and the Violent Crime Control and Safe Streets Act of 1968 as a means of identifying those who are:

- ineligible from owning firearms,
- ineligible from working with children, the elderly, or disabled,
- with active restraining order/orders of protection,
- convicted of stalking or domestic violence offenses.

Missouri's criminal history improvement initiatives include an emphasis on the integration of criminal history databases, the auditing of criminal records to locate missing case dispositions and the provision of training and technical assistance on the criminal history reporting process. The Missouri State Highway Patrol, Office of State Courts Administrator, Missouri Office of Prosecution Services, Missouri Department of Corrections and Missouri law enforcement agencies have been involved with improving criminal records within the state.

For training and technical assistance on the use of this manual or to receive POST certified training on the Criminal History Reporting Process, contact the Criminal History Services Unit with the Missouri State Highway Patrol's Criminal Records and Identification Division at (573) 526-6345.

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SECTION 1

INTRODUCTION TO FINGERPRINTING





Fingerprinting as a Positive Means of Identification

Every person has a unique and distinct set of fingerprints, thus making fingerprints a positive means of identification. Individual fingerprint characteristics are so distinct that even identical twins do not have the same fingerprint patterns. The development of a person's individual fingerprint pattern begins in the early stages of pregnancy, during the 12th or 13th week, and will remain distinct throughout the life of an individual. For centuries, different cultures and civilizations have recognized the ability to positively identify an individual based on fingerprints. Fingerprints were used as a means to positively link a specific individual to certain arrangements or contracts. Researchers and historians have traced the first known use of fingerprinting to the Chinese where its use predates written language.

The Emergence of Fingerprinting with Modern Day Policing

In the early 1800's, the establishment of a formal policing system spawned changes in the methods, techniques and technology used by police to fulfill their duties. One of the scientific advances used to improve modern day policing included the development of a classification system for fingerprints. The science of fingerprinting was developed primarily to identify repeat criminal offenders, as previous identification methods were unscientific and unreliable. A secondary application for the advent of fingerprinting was the potential to identify an offender based solely on latent fingerprints obtained from a crime scene. Ultimately, the need for an accurate and reliable method to identify criminals led to a fingerprint classification system developed by Sir Edward Henry in 1897. The Henry Classification System brought about advancements in identification and proved to be an accurate and reliable means of identifying a criminal.

Fingerprinting replaced a method of identification that was based solely on physical descriptions of the criminal. This method of identification allowed criminals the opportunity to conceal their identity by providing alias information or by simply altering or disguising their appearance.

Several large metropolitan police departments, including St. Louis, began using fingerprints as a means of civil and criminal identification in the early 1900's. In 1905 the federal government enacted a policy of fingerprinting army inductees, and by 1908 all branches of the military had adopted this same policy. As the use of fingerprinting increased, the federal government recognized the need for a centralized location to house the fingerprints produced by the military and federal prison system. In 1924 the Identification Bureau of the Federal Bureau of Investigation was established.



The Missouri Criminal Records Central Repository

On August 1, 1934, the Missouri State Highway Patrol established the Bureau of Identification to be utilized as a central location to store fingerprints and disperse information pertaining to public safety issues. This included a weekly mailing of escaped prisoners, fugitives, criminal apprehensions, penitentiary releases and missing persons. This weekly publication known as the Patrol Bulletin remained in circulation until 1975. The Identification Bureau of the Highway Patrol housed fingerprints and associated criminal history information for criminal justice agencies in Missouri. The submission of information was voluntary and remained voluntary until the Highway Patrol's Identification Bureau was designated by the Missouri Legislature to be the central repository for all criminal history information.

In 1986, the 83rd General Assembly of the State of Missouri passed House Bills 873 and 874. These bills were introduced and overwhelmingly passed based on the premise of the need to protect victims of violent crimes and the need to provide a greater voice to those impacted by crime. Joined with this notion was the demand to provide for an accurate and timely record keeping system for all serious crimes. As a result of the passing of these bills, the Missouri State Highway Patrol's Identification Bureau was designated as the central repository for compiling, storing and disseminating criminal history record information. The bill further required the mandatory reporting of all felony and serious or aggravated misdemeanor criminal arrest information by law enforcement personnel, prosecuting attorneys, courts and the Department of Corrections. By establishing a central repository for criminal records, the legislature not only took measures to ensure that victims of crime received protective services, it also provided a resource to protect all citizens of the state.

On May 12, 1986, the victims' rights and criminal history reporting legislation was signed and the bills became law in August, 1986. Chapter 43 of the Revised Statutes of Missouri formally designated the Highway Patrol's Identification Bureau as the central repository for all criminal history information in the State of Missouri. The Identification Bureau, renamed Criminal Records and Identification Division in 1991, is located in the Annex Building as part of the Highway Patrol General Headquarters Complex in Jefferson City, Missouri. The central repository maintains all criminal history information, as reported by the contributing agencies within the state, from the time of an individual's initial arrest until the person is deceased.

Automated Fingerprint Identification System (AFIS)

In 1989, the Missouri State Highway Patrol installed AFIS to enhance the efficiency of criminal identification and fingerprint processing. The AFIS system was purchased in 1988 from Sagem Morpho, Inc., a high technology imaging corporation located in Tacoma, Washington, which specializes in computerized fingerprint matching systems. AFIS is a computer system that electronically



images and stores the characteristics of fingerprint patterns. Like any good computer system, it is only as good as the information input into the system. Therefore, it is extremely important for fingerprint submissions to be of the best quality possible. Quality fingerprint impressions will ensure ridge detail and pattern characteristics of images sufficient enough to search against the unsolved latent database, improving the likelihood of a positive match being made on a latent fingerprint. A latent fingerprint is a partial fingerprint impression lifted from a crime scene. Any fingerprint submission received at the central repository is automatically searched against the existing database. The AFIS database began with an initial database of 400,000 fingerprints. The database is now comprised of over 1.5 million tenprints, a full set of rolled impressions containing data on all ten finger and over 50,000 unsolved latent prints. After fingerprint images are scanned and searched against existing prints in the AFIS system, the hardcopy fingerprint cards and latent prints are housed in the Criminal Records and Identification Division.



Additional AFIS Stations:

Kansas City, KS Police Department

Overland Park, KS Police Department

Kansas City, MO Police Department

St. Charles County Sheriff's Department

St. Louis City Police Department

St. Louis County Police Department

Springfield Police Department

Jefferson County Sheriff Department

SECTION 2

FINGERPRINTING METHODS

FINGERPRINTING
METHODS





Fingerprinting Methods / Producing Quality Prints

Law enforcement officers play a crucial roll in creating a criminal record. It is important to learn how to take good quality impressions, to utilize the proper card and to know what information is needed on the fingerprint card.

The basic equipment required to capture fingerprints includes a cardholder, an inking plate, a roller and black printers' ink. Cleaning products for the equipment will also be needed. The necessary equipment may be obtained from several different fingerprinting supply companies and most law enforcement supply companies.

Black printers' ink is the only ink that is acceptable to use for fingerprinting. Do not use any other type of ink, including colored ink. Colored ink will not provide the appropriate ridge detail needed to use in AFIS and will not remain visible over an extended period of time. The inking plate should be in a slightly elevated position at a height that allows the arm to remain horizontal when rolling the impressions. By keeping the arm in this position, the surface of the finger will remain in good contact with the printing area. Additionally, both the subject being printed and the individual rolling the impressions will be more comfortable and thus result in better quality fingerprints.

To capture the inked impressions, begin by placing a small portion of ink on the inking plate and roll a thin, even film of ink on the inking surface. If necessary, clean the subject's fingers of any foreign substances or perspiration. If the hands are unusually dry or coarse, a small amount of skin conditioner may be applied to the fingers to obtain the necessary ridge detail. The subject should be advised to relax and refrain from assisting the impression taker.

Two types of fingerprint impressions will be obtained on the fingerprint card. They are the "rolled" impressions and the "slap" or "plain" impressions. Rolled impressions will be obtained on each digit individually by placing one side of the digit on the inking plate and rolling the digit to the opposite side. Control the motion of the subject by grasping the tip of their finger with your thumb and index finger while using your other hand to grasp the subject's finger just below the first joint. The inked digit is then placed in the appropriate box on the fingerprint card and rolled in the same manner as the ink was applied. The thumb on the right hand should be the first impression taken, followed by each consecutive digit: the index, middle, ring and ending with the little finger. It is recommended that the thumbs be rolled in a motion toward the body and the fingers rolled in a motion away from the body. This takes advantage of the natural body structure-rolling from an awkward or uncomfortable position to a comfortable position. Repeat the same process for the left hand. Be sure to print each finger separately making sure that each impression is placed in the center of the correct box. It is essential to ensure that no finger is printed twice.

After all the rolled impressions have been taken, plain impressions will then be taken by grasping all the fingers of one hand, not including the thumb, and lightly pressing the fingers on the inking plate. All four fingers should be placed in the



designated location for the plain impressions without rolling. The other hand and thumbs will then be taken in the same manner. Plain impressions must be positioned vertically within 15 degrees left or right. The AFIS computer equipment cannot read impressions that are at an angle greater than 15 degrees in either direction.

An impression taker will occasionally encounter situations of a unique nature that include missing, bandaged or amputated digits. If a digit is missing, do not leave the corresponding box blank. An amputated finger should be noted by writing "AMP" in the corresponding location of the missing digit of the fingerprint card. If any of the finger is intact above the first joint, print the digit and write "TIP AMP;" or if the digit was missing at birth, write "MAB" in the correct location. The FBI will not accept prints containing a notation of a bandaged finger; however, Missouri's central repository will accept prints of this nature. If it is impossible to obtain any type of impression on the bandaged finger, a notation of "BAND" should be written in the corresponding box.

Advances in Fingerprint Technology

Several modern methods of obtaining and submitting fingerprint images have been developed in recent years and are becoming commonplace in Missouri as in other states. Inkless fingerprinting does not require the use of black printers' ink; rather, it is a process that uses chemicals that appear invisible to the impression taker during the printing process. The fingerprint card is then placed in a heating device that causes the chemicals to darken into visible impressions. The central repository does not recommend the use of inkless printing due to operator error and the risk of prints fading over a period of time. Livescan devices may also be used to capture and submit fingerprint images. This device electronically captures fingerprint images along with the demographic information of the printed subject. This information can then be electronically transmitted to the central repository where it is directly entered into the AFIS database. There are several vendors who produce and install livescan devices. Regardless of the vendor, each agency must adhere to the established guidelines set forth by the Missouri State Highway Patrol and the FBI, including the policies and procedures relating to the coding of criminal charges. For additional information on the use and installation of a livescan device, please contact the Criminal Records and Identification Division.



An officer captures the digital fingerprint images of this subject on a livescan device. These devices are becoming increasingly popular due to the capability of electronically transmitting fingerprints and arrest information directly to the central repository.



Common Fingerprinting Problems

The central repository frequently receives fingerprint submissions that cannot be entered into the AFIS system due to the following reasons:

- uneven distribution of ink resulting in light and dark zones, or partial fingerprints,
- smeared fingerprints resulting from fingers being allowed to slip or twist during rolling,
- same finger printed twice,
- fingerprints are not in sequential order (fingers not in order or hands reversed),
- wrong fingerprint card utilized,
- bandaged or amputated fingers not correctly indicated.

If a finger is printed in the wrong box or if ridge detail is insufficient, print-over tabs may be used to reproduce up to two individual prints without redoing the entire ten-print card. The FBI will accept cards with no more than two print-over tabs.

When printing individuals that have more than five fingers, the fingerprint process remains the same. However, the extra finger shall be printed on the back of the fingerprint card with an appropriate notation on the front of the card to notify the central repository staff of the additional print. Transplants, such as a toe replacing one of the fingers or the thumb, must also be noted on the fingerprint card. There may also be medical circumstances, such as crippled fingers, where a subject may not be able to maneuver their fingers, hand or wrist to allow legible prints to be taken. Print-over tabs, special fingerprint supplies and tools may be purchased from fingerprint supply catalogs to accommodate the needs of an agency that may encounter these situations. The inking method is the only option for producing fingerprint images if physical circumstances exist.

Attempts at Avoiding Detection

For years criminals have tried to alter their fingerprints and have usually been unsuccessful at concealing their true identity. Robert Pitts, a bank robber, tried to alter his fingerprints by cutting away the skin from his fingertips. He then cut one-inch square strips from the side of his rib cage and pressed the exposed flesh of his fingers to his sides, allowing them to grow together. After the skin grew together, he separated his fingers from his body cavity with intent to destroy the identifying pattern of his fingerprints. While Mr. Pitts was partially successful in destroying the print detail on the ends of his fingers, he was identified by the ridge detail below the second joint of his fingers.





Other methods used to destroy fingerprints include coating the ends of the fingers with paraffin wax or superglue. Certain occupations may wear down the ridge detail of a print such as a bricklayer, chemical worker or any manual labor performed with the hands. It is important to remember the ridge depth may be worn down to almost nothing; however, the pattern and ridge detail of any given fingerprint may not be altered unless it is completely destroyed.

Once a basic understanding of the proper methods for fingerprinting is understood and the appropriate equipment is obtained, fingerprinting becomes a rather simple process. Producing quality fingerprint impressions is not a difficult skill to develop. It relies more heavily on the attentiveness of the individual taking the rolled impressions rather than the actual skill level of the impression taker. However, like any other skill, practicing your technique will improve your ability to capture quality impressions.

Types of Fingerprint Cards

There are five different fingerprint cards that may be utilized when fingerprinting an individual depending on the reason the individual is printed and the age of the individual.

The five different types of fingerprint cards accepted by the central repository are:

- the Missouri State Criminal Card (SHP-108D),
- the Federal Bureau of Investigation Criminal Card,
- the Missouri State Juvenile Card (SHP-559),
- the Federal Bureau of Investigation Applicant Card,
- the Missouri Offender Registration Card (SHP-131B).

If any other card is received by the central repository other than those listed above, it will be returned to the submitting agency for resubmission.

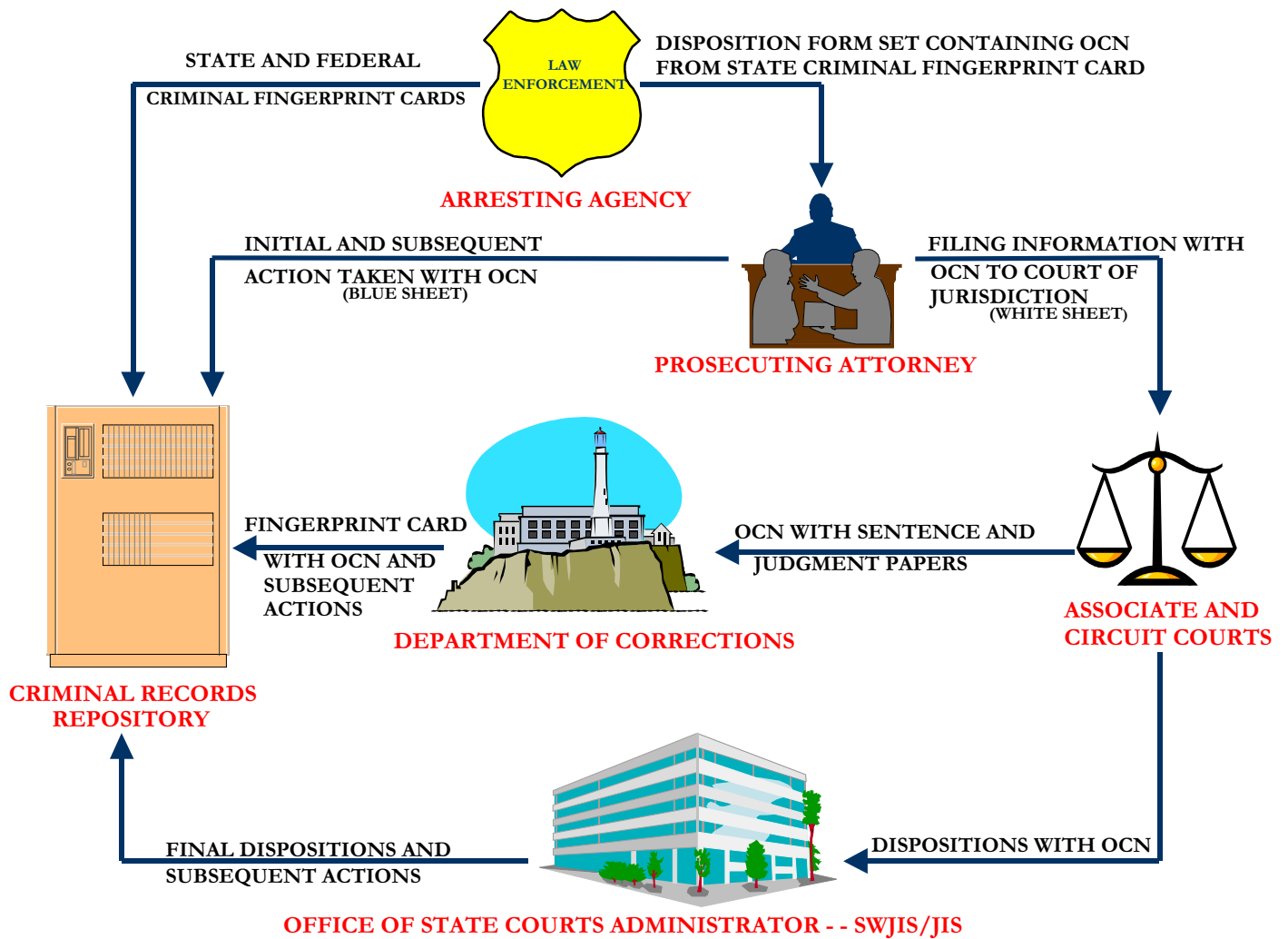
SECTION 3

CREATING AND MAINTAINING CRIMINAL HISTORY RECORDS





Criminal History Process





Creating and Maintaining a Criminal Record

Criminal history information is submitted to the central repository by means of the information contained on the state criminal fingerprint card when matched to a set of fingerprints. The fingerprint card is the most critical element when creating a criminal history record. **Without the submission of a properly completed criminal fingerprint card, a criminal record cannot be established.** While the establishment of a criminal record relies on the initial fingerprint card submission, an accurate criminal history relies on cooperation between all criminal justice reporting agencies. At each successive point in the criminal history reporting process, a disposition is required on the action taken by the reporting agency. By each agency reporting the action taken regarding the criminal case, the central repository will be aware of any pending action and at what stage of the criminal justice process a case resides.

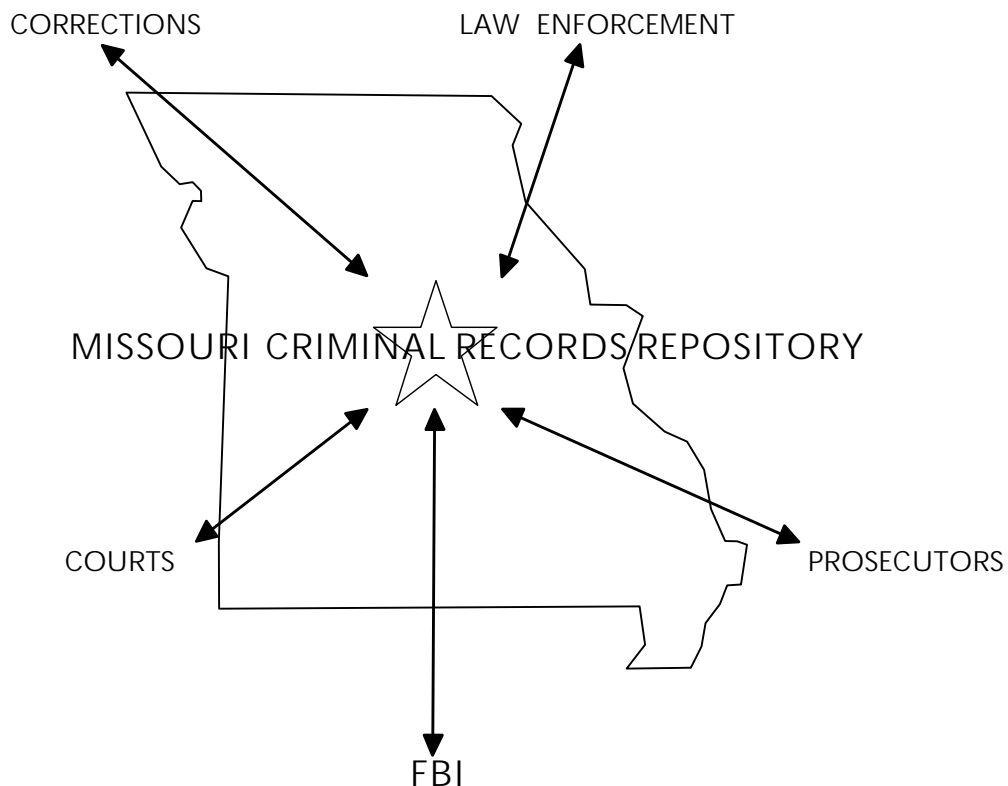
The state fingerprint card has three components to accomplish the task of providing all the necessary information to establish and maintain a criminal history record. The first component is the actual fingerprint card completed by the arresting law enforcement agency, the second component is the blue prosecutor/circuit attorney carbon copy and the third component is the white judicial carbon copy. The blue and white carbon components of the fingerprint card do not contain the actual rolled fingerprint impressions. The Offense Cycle Number (OCN), rather than the actual rolled impressions, links the blue and white carbon components of the fingerprint card to the arrestee. The Offense Cycle Number is a unique eight-digit preprinted tracking number found in the upper, right-hand corner on each component of the fingerprint card. The Offense Cycle Number is used to track the arrest and the prosecutor and court action of a specific criminal history event to the arrested individual by associating a set of fingerprints to the arrest, together with the demographic information of the arrested subject.

Criminal History Process

When an arrest is made for a criminal offense, the arresting law enforcement agency initiates the criminal justice process. The arresting agency also has the added responsibility of providing the necessary information to establish a criminal history record for that offense. This is accomplished by properly completing a standardized set of data elements found on the Missouri State Criminal Fingerprint Card and the Federal Criminal Fingerprint Card. Following the completion of this information, the fingerprint cards must be forwarded to the central repository for entry into Missouri's Criminal History Record System. By following the established format for completing the state and federal fingerprint cards, the arresting agency can be certain that a criminal record is created.



The process of submitting criminal history information depends on the type of offense committed and the type of arrest. A fingerprint submission is required on all arrests occurring in Missouri for a reportable offense as identified in the Missouri Charge Code Manual. Fingerprint submissions to the central repository are required on all criminal charges that are designated as a reportable offense in Section 43.506, RSMo. A reportable offense can be identified as all felony offenses and all serious or aggravated misdemeanor charges. In 1996 the Missouri Legislature extended the scope of reportable offenses to include all felonies, serious or aggravated misdemeanors and all alcohol and drug related driving offenses, including municipal violations. Other serious offenses such as misdemeanor stealing, passing a bad check and concealing an offense are not considered mandatory reportable offenses but may be submitted to the central repository for entry into the criminal history record system. While criminal arrest submissions on the majority of motor vehicle violations and minor municipal ordinance violations will not be entered into the criminal history system, they will be scanned into AFIS for comparison to latent prints. The standards for identifying reportable offenses are consistent with the guidelines as established by the FBI for the National Crime Information Center (NCIC) and the Interstate Identification Index (III). The decision to submit charges that are not considered mandatory reportable offenses is left to the discretion of the arresting agency. It is important to remember that all arrest data can provide valuable criminal history information for the administration of criminal justice and for the protection and safety of law enforcement officers, as well as the general public.



SECTION 4

THE MISSOURI STATE FINGERPRINT CARD



COMPLETING THE
FINGERPRINT CARD

Completing the Data Elements of the Missouri State Fingerprint Card



While each law enforcement agency may have a slightly different process for completion of the data elements on the criminal fingerprint card, the specific steps for completing the criminal fingerprint card are standard regardless of who actually completes the different data elements. It is important for each individual who is involved in completing any portion of the fingerprint card to have a working knowledge of the criminal history process. It is extremely important for all parties to have thorough knowledge of the charging information contained in the Missouri Charge Code Manual.

There are four primary sections of the state criminal fingerprint card that must be completed by the arresting agency before the fingerprint card and the attachments are forwarded to the subsequent reporting levels.

The four sections consist of:

- the identifying information on the offender,
- the charge information for the criminal offense,
- the law enforcement disposition, and
- the offender's fingerprints.

Quality Control of Fingerprint Submissions

If any of the above components of the criminal fingerprint card are not properly completed, a representative from the Criminal Records and Identification Division will contact your agency to obtain the required information. In most instances this will occur through phone contacts. It may be necessary for the fingerprint cards themselves to be returned to the originating agency to obtain the required information. In either instance, it is important to remember that if the requested information is not reported back to the central repository, a criminal history for that offense will not be established.

Identifying Information

All identifying information of the arrested individual should be entered on the criminal fingerprint card as accurately as possible. Several of the fields contained on the fingerprint card are mandatory fields for completion. They include the offenders name, date of birth, sex, race and date of arrest. If the mandatory fields are not completed, the fingerprint card cannot be processed by central repository staff. The signature of the arrested individual is not considered a mandatory field by the FBI and is not required on the state card. The fingerprint card will be processed without the subject's signature.

Charge Information and Use of the Missouri Charge Code Manual

All offense information must be entered accurately and completely as identified in the Missouri Charge Code Manual for all charges that occurred during the offense.



These fields include the type of offense (felony, misdemeanor or ordinance violation), the literal description of the offense, the state statute governing the charge, the associated Missouri Charge Code and the NCIC code. Any felony or misdemeanor charge will have an associated Missouri state statute. An ordinance violation is not governed by Missouri state statute and will not have an associated statute to list on the criminal fingerprint card. Accurately completing all the data elements contained in this section is extremely important. If any of the charge information is coded incorrectly, inaccurate arrest data will be entered into the criminal history system. In cases where segments of the charge information does not match, the card will be returned for verification or a central repository staff member will verify the charge information by telephone.

The Missouri Charge Code Manual is an annual publication produced by the Missouri State Highway Patrol. It is a guide provided to all reporting agencies and should be used when coding criminal charges, Section 43.512, RSMo. New charge codes are assigned by the Office of State Courts Administrator and are forwarded to the Highway Patrol for entry into the Charge Code Manual.

Until recently, the Missouri Charge Code Manual did not contain a listing of charge codes for ordinance violations. However, due to requests from submitting agencies and the mandatory reporting of all alcohol and drug related traffic offenses, this section has been developed. While most municipalities have their own ordinance codes, it is important to remember to use the Missouri Charge Code Manual when selecting ordinance violations before submitting charges to the central repository. Often, the local codes are mistakenly submitted for ordinance violations, resulting in inaccurate criminal history data. Missouri law does not require the mandatory reporting of municipal ordinance violations to the central repository with the exception of alcohol and drug related traffic offenses. However, there are several charges that would be entered into the criminal history system if submitted as they could be very beneficial to criminal justice agencies. For example, a local ordinance charge for assault on a law enforcement official is not a mandatory reportable offense, but this charge would be entered into the criminal history system and would trigger caution indicators for officer safety notification. The NCIC code associated with any charge whether it is a felony, misdemeanor or ordinance charge triggers the caution indicators when entered into the criminal history system. These caution indicators can be invaluable when identifying a potentially hazardous situation for law enforcement personnel when dealing with such an individual. Caution indicators are specifically intended for law enforcement purposes and are not to be released as public information for any reason.

If a caution indicator is identified, the miscellaneous field should be reviewed to determine the reason for caution. Caution indicators signal that an officer may be dealing with a potentially dangerous person, but a caution indicator does not mean the individual positively has a record of conviction.

Missouri Charge Code Manual Instructions for Use



The Missouri Charge Code Manual contains three primary user sections. A fourth supplemental section containing charge codes that were either added or revised from the previous year is provided at the end of the manual. The first section is sorted by the major category index in ascending order. This method of sorting enables the user to locate the proper charge code information by first locating the correct crime category and then scanning the literal descriptions of the offenses to identify a specific charge. Immediately following the criminal charges for each major category is a listing of the NCIC and state modifiers for that specific crime category.

The second section is sorted in ascending order by statute number. This section can best be utilized to locate the correct charge information if the state statute is known. Immediately following the criminal charges in section two is the list of NCIC state modifiers used to complete the Missouri Charge Code information.

The third section contains state charge codes necessary for reporting local municipal violations to the central repository and is grouped alphabetically by offense category.

Each of the first two sections are organized into columns that include: Submit Fingerprints, Penal Range, Missouri or United States Statutes, Missouri Charge Code, NCIC Code, UCR Code and the literal description of the offense.

The Submit Fingerprints column identifies all charges that are designated as mandatory reportable offenses per Missouri state statute. A "YES" indicates that fingerprints must be taken on both state and federal cards for that offense and submitted to the central repository to be entered into the criminal history system. Optional "OPT" indicates charges not designated by statute as mandatory reportable but would be entered into the criminal history system if submitted by the arresting agency. A "NO" indicates charges that should not be submitted since they will not be added to the criminal history system.

The information in the penal range, literal description, statute, Missouri Charge Code and NCIC Code columns is entered on the Missouri State Criminal Fingerprint Card for submission to the central repository.

The Missouri Charge Code is comprised of eight digits. The first five digits consist of the state code assigned by the Office of State Courts Administrator. The remaining three digits may require the completion of modifiers used to specifically identify the circumstances surrounding an offense. If the Missouri Charge Code associated with the charges selected for submission is not complete, the correct two-digit state modifier must be selected from the NCIC and state modifier listing. The remaining code location, or eighth digit, is completed by entering the correct modifier for either not applicable, attempt, accessory or conspiracy.



The modifiers for these elements are as follows:

- .0 Not Applicable
- .1 Attempt
- .2 Accessory
- .3 Conspiracy

These modifiers are also listed at the end of each major crime category following the NCIC and state modifiers.

Major Category Index # 10 HOMICIDE

SUBMIT FINGER- PRINTS	<u>RSMO/USC</u>	<u>PENAL RANGE</u>	<u>MO CODE</u>	<u>NCIC CODE</u>	<u>UCR CODE</u>	<u>DESCRIPTION</u>
YES	565.021	F A	10031__.	09__	01	Murder 2 nd Degree

SUBMIT FINGER- PRINTS	<u>RSMO/USC</u>	<u>PENAL RANGE</u>	<u>MO CODE</u>	<u>NCIC CODE</u>	<u>UCR CODE</u>	<u>DESCRIPTION</u>
YES	565.021	F A	10031 <u>04.2</u>	09 <u>04</u>	01	Murder 2 nd Degree

- | | |
|---|--------------------------|
| 01 Willful Kill - Family Member – Gun | .0 Not Applicable |
| 02 Homicide - Willful Kill - Family – Weapon | .1 Attempt |
| 03 Homicide - Willful Kill - Non-Family – Gun | .2 Accessory |
| 04 Homicide - Willful Kill - Non-Family – Weapon | .3 Conspiracy |
| 05 Homicide - Willful Kill - Pub. Off. – Gun | |
| 06 Homicide - Willful Kill - Pub. Off. – Weapon | |
| 07 Homicide - Willful Kill - Pol. Off. – Gun | |
| 08 Homicide - Willful Kill - Pol. Off. – Weapon | |
| 09 Homicide - Neglig. Mansl. – Veh | |
| 10 Homicide - Neglig. Mansl. | |
| 11 Homicide - Willful Kill – Gun | |
| 12 Homicide - Willful Kill – Weapon | |
| 99 Homicide - (free text) | |

Note: The third and fourth digit of the NCIC Code should always be the same as the sixth and seventh digits of the Missouri Charge Code.



Disposition Field

The third section of the fingerprint card that requires completion is the disposition field. This field is displayed on the front side of the criminal fingerprint card following the charge information and indicates how the arresting agency disposed of the arrest. The possibilities include referring the case for prosecution, not referring the case for prosecution (no charges sought) and turning the case over to another agency.

Fingerprints

The offender's fingerprints must be clearly inked and submitted on the appropriate fingerprint card. Occasionally, a fingerprint card is received that does not contain a set of inked impressions. Fingerprint cards that are missing the inked fingerprint impressions are useless to the criminal history system since the identity of the arrested individual cannot be positively linked to the arrest.

Submitting the Card Following Completion of the Data Elements

Because alias information can be provided by a subject to avoid identification, fingerprinting provides an accurate and positive means of identifying any individual. Fingerprinting also provides an accurate and positive means of linking criminal history data or successive criminal history events of an individual to the correct person. Once all the data elements on the state criminal card have been completed, it is ready for submission. The blue and white form set on the state fingerprint card is removed and forwarded to the prosecuting attorney. When the arrest report is forwarded to the prosecuting attorney, it should contain the Offense Cycle Number to ensure the proper criminal history information is associated with the defendant. The state card along with the completed federal fingerprint card must be forwarded to the central repository as a set to establish a criminal record.

In 1984, the Federal Bureau of Investigation designated the Missouri State Highway Patrol's Criminal Records and Identification Division as the sole-source contributor of criminal history information from the State of Missouri.

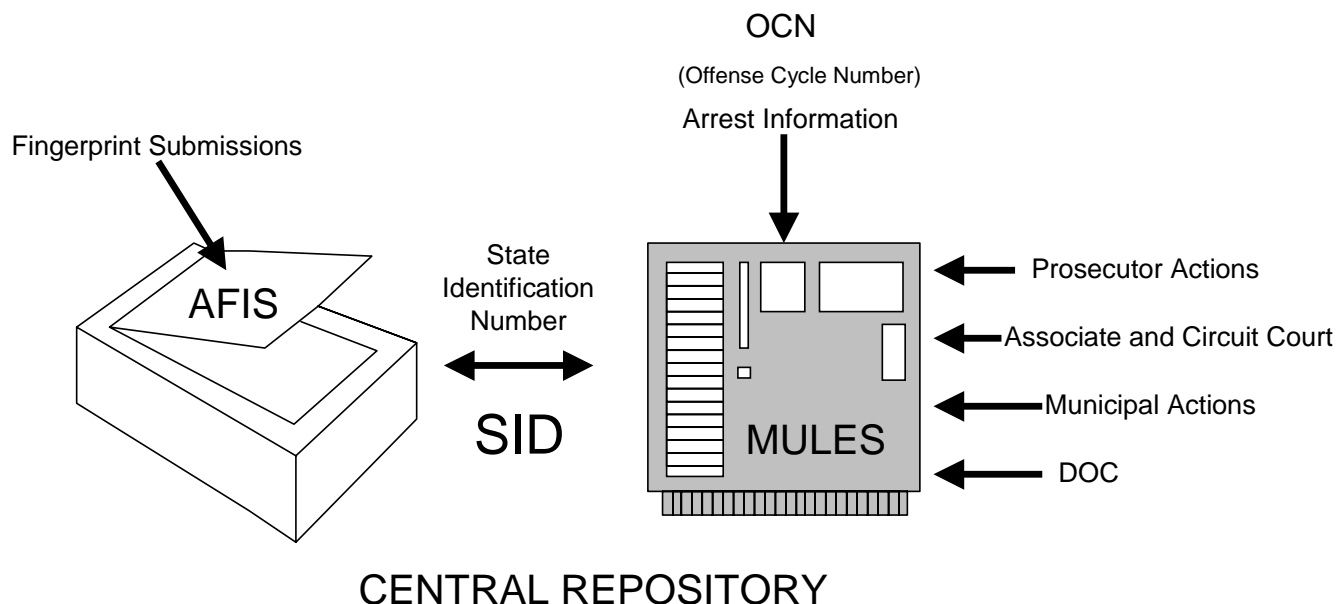
The Federal Bureau of Investigation will not accept submissions of federal fingerprint cards directly from law enforcement agencies since the central repository is considered the liaison for criminal history information between FBI and criminal justice agencies in Missouri. Due to this federal mandate, two sets of fingerprints are required when submitting criminal history information to the central repository. The state criminal fingerprint card will be entered in the state database while the federal criminal fingerprint card will be processed, stamped and forwarded to the FBI by central repository staff.



When a fingerprint card is received at the central repository, it is scanned through AFIS to determine if a matching set of prints has previously been received on the printed subject. If the prints do not match any other prints in AFIS, a State Identification Number (SID) will be assigned to the subject. Once a SID number has been established in AFIS, the associated criminal history information contained on the fingerprint card will then be entered into the Missouri Uniform Law Enforcement System (MULES) by the Offense Cycle Number creating a criminal record.

The criminal history component of MULES retains the arrest information, prosecutor and court actions along with any sentencing information according to the level of involvement of an individual within the criminal justice system. If the print matches a set of prints in AFIS, the fingerprint card is linked to the appropriate record by means of the SID number. The associated criminal history information is then entered into MULES by the Offense Cycle Number. It is important to remember that AFIS and MULES are two separate databases that are linked by the SID number.

During a calendar year, the central repository will receive approximately 350,000 fingerprint card submissions from over 1,000 reporting agencies throughout the state. The reporting agencies include all police officers of the state, prosecuting attorneys, the clerk of each court and the Department of Corrections, Section 43.503, RSMO. For an accurate and efficient system, the information should be submitted in a timely manner. As described in statute, this time frame is as soon as possible but no later than thirty days after the criminal history event and is termed "without undue delay," Section 43.500, RSMo.



INSTRUCTIONS FOR COMPLETING STATE CRIMINAL FINGERPRINT CARD



1. Enter State Identification Number (SID) assigned by the central repository.
2. Enter complete name of subject.
3. Enter date of birth of subject.
4. Offense Cycle Number (OCN) is preprinted on state cards and automatically generated for livescan fingerprint submissions.
5. Enter FBI number of subject if correct number is known.
6. Enter residence of subject.
7. Enter place of birth including city and state.
8. Enter Social Security Number.
9. Provide signature of person fingerprinted. Signature should be in ink.
10. Provide signature of official taking the fingerprints. Signature should be in ink.
11. Provide subject's country of citizenship.
12. Enter Offender ID Number: your agency's local identifier, if applicable
13. Enter sex of the subject.
14. Enter race of the subject:
 - W, White (includes Mexicans and Latinos)
 - A, Asian or Pacific Islander
 - B, Black
 - U, Unknown
 - I, American Indian or Alaskan Native.
15. Enter height of the subject.
16. Enter weight of the subject.
17. Enter eye color of the subject.
18. Enter hair color of the subject.
19. Enter originating agency identifier number (ORI) and the name and address of the arresting agency.
20. Enter arresting officer's badge number.
21. Enter date subject was arrested.
22. Enter date of offense.
23. Enter county of arrest.
24. Enter OCA/Incident Number, local case number.
25. Enter the offense type for each charge: F (Felony), M (Misdemeanor), O (Ordinance).
26. Enter literal description on all charges for which the subject was arrested.
27. Enter the corresponding statute numbers for all charges identified.
28. Enter the corresponding Missouri Charge Code for all charges identified.
29. Enter the NCIC code.
30. Enter the final case dispositions for law enforcement:
 - A. Turned over to (TOT) and the name of the agency subject is released to,
 - B. Referred to prosecutor for action,
 - C. No charges sought.
31. Enter the date the subject was fingerprinted.
32. Leave blank.
33. Fingerprint blocks: Obtain a complete set of rolled tenprints.
34. Indicate if palm prints and/or photograph are available.
35. Enter charge information for charges 4-10, if applicable.
36. Identify if the arrest was a result of a domestic disturbance or included a firearm.
37. Enter the booking agency name and ORI.
38. Enter the name, ORI and address of each agency desiring a copy of the criminal history record.
39. List any known aliases.
40. Enter subject's employer, if available.
41. Enter subject's occupation.
42. Identify all known scars, marks, tattoos and amputations.
43. If the subject was arrested for a crime against a person, indicate the victim's age and sex.
44. Enter any additional information as needed.



SID NO. MO. 1		LAST NAME 2		FIRST NAME		MIDDLE NAME		DATE OF BIRTH 3		OFFENSE CYCLE NO. 4 99539449	
FBI NO. 5		RESIDENCE 6						PLACE OF BIRTH 7		SOCIAL SECURITY NO. 8	
SIGNATURE OF PERSON FINGERPRINTED X 9				SIGNATURE OF OFFICIAL TAKING FINGERPRINTS X 10				COUNTRY OF CITIZENSHIP 11			
OFFENDER ID NO. 12		SEX 13	RACE 14	HGT. 15	WGT. 16	EYES 17	HAIR 18	ARRESTING AGENCY NAME & ORI 19			
ARRESTING OFF. BADGE NO. 20	DATE OF ARREST 21	DATE OF OFFENSE 22	COUNTY OF ARREST 23	OCA / INCIDENT NO. 24							
OFF TYPE (F, M, O) 1. 2. 25 3.	OFFENSE 26				STATUTE 27		CHARGE CODE 28	NCIC 29	DISPOSITION 30		
DATE FINGERPRINTED 31				NCIC			32				
1. RIGHT THUMB		2. RIGHT INDEX		3. RIGHT MIDDLE		4. RIGHT RING		5. RIGHT LITTLE			
6. LEFT THUMB		7. LEFT INDEX		8. LEFT MIDDLE		9. LEFT RING		10. LEFT LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				LEFT THUMB		RIGHT THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

State of Missouri Criminal Fingerprint Card – Front



FINGERPRINT CARD		THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE, AND NATIONAL FILES				
PALM PRINTS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO PHOTO AVAILABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO		PHOTO INSTRUCTIONS: Do NOT glue or tape photo to card. Please paper clip or staple at top of photo. Indicate the name, ORI, and OCN on reverse side of photo.				
OFF TYPE (F, M, O) 4 5 6 7 8 9 10	OFFENSE <div style="text-align: center; font-size: 2em;">35</div>	STATUTE	CHARGE CODE	NCIC	DISPOSITION	
DID THIS ARREST RESULT FROM A DOMESTIC DISTURBANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA WAS SUBJECT OF FINGERPRINTS IN POSSESSION OF A FIREARM? <input type="checkbox"/> YES <input type="checkbox"/> NO						
BOOKING AGENCY NAME & ORI <div style="text-align: center; font-size: 1.5em;">37</div>			SEND COPY OF COMPLETE CRIMINAL HISTORY TO: <div style="text-align: center; font-size: 1.5em;">38</div>			
ALIASES <div style="text-align: center; font-size: 1.5em;">39</div>			<div style="text-align: center; font-weight: bold;">INSTRUCTIONS</div> <ol style="list-style-type: none"> ALL information should be typed or clearly printed. Fingerprint card must be submitted to the Central Repository for criminal history to be created. Forward form set (OCN) to prosecuting attorney for action. 			
EMPLOYER NAME AND ADDRESS <div style="text-align: center; font-size: 1.5em;">40</div>						
OCCUPATION <div style="text-align: center; font-size: 1.5em;">41</div>						
SCARS, MARKS, TATTOOS, AND AMPUTATIONS <div style="text-align: center; font-size: 1.5em;">42</div>						
VICTIM(S) AGE <div style="text-align: center; font-size: 1.5em;">43</div>		SEX <div style="text-align: center; font-size: 1.5em;">44</div>	MAIL FINGERPRINT CARD TO: MISSOURI STATE HIGHWAY PATROL CRIMINAL RECORDS & IDENTIFICATION DIVISION P. O. BOX 568 JEFFERSON CITY, MO 65102 PHONE: (573) 526-6153		DO NOT WRITE IN THIS SPACE RECEIVED NAME SEARCH FP CLASS VERIFIED CODED CH ENTERED <div style="text-align: right; font-size: 0.8em;">SHP-108D 10/98</div>	
ADDITIONAL INFORMATION - BASIS FOR CAUTION <div style="text-align: center; font-size: 1.5em;">44</div>						

State of Missouri Criminal Fingerprint Card – Back



FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306			
PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.			
JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/> TREAT AS ADULT YES <input type="checkbox"/>		DATE OF ARREST MM DD YY	ORI CONTRIBUTOR ADDRESS REPLY YES <input type="checkbox"/> DESIRED?
SEND COPY TO: (ENTER ORI)		DATE OF OFFENSE MM DD YY	PLACE OF BIRTH (STATE OR COUNTRY) COUNTRY OF CITIZENSHIP
MISCELLANEOUS NUMBERS		SCARS, MARKS, TATTOOS, AND AMPUTATIONS	
		RESIDENCE/COMPLETE ADDRESS CITY STATE	
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER)		LOCAL IDENTIFICATION/REFERENCE	PHOTO AVAILABLE? YES <input type="checkbox"/> PALM PRINTS TAKEN? YES <input type="checkbox"/>
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.		OCCUPATION	
CHARGE/CITATION 1.		DISPOSITION 1.	
2.		2.	
3.		3.	
ADDITIONAL		ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION		STATE BUREAU STAMP	

FD-249 (REV. 5-11-99)
U.S. GPO: 2001 472-518/40017

FBI Fingerprint Card – Front



LEAVE BLANK		CRIMINAL		(STAPLE HERE)				LEAVE BLANK			
		STATE USAGE		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>			
		NFF SECOND									
STATE USAGE		SUBMISSION		APPROXIMATE CLASS		AMPUTATION		SCAR		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX	
SIGNATURE OF PERSON FINGERPRINTED				SOCIAL SECURITY NO.		LEAVE BLANK					
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX											
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH	MM	DD	YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE			
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

FBI Fingerprint Card – Back

SECTION 5

WHEN DO YOU FINGERPRINT?



When Do You Fingerprint?



Probation and Parole Violation

Probable Cause Arrest

Warrant Arrest



Out-of-State Fugitive

Juvenile Arrest

Failure to Appear Charge



When Do You Fingerprint?

Arrest Based on Probable Cause

Frequently law enforcement officials will make an arrest based on probable cause, allowing for the immediate apprehension of a suspect. The individual may then be detained in a jail facility for a period of time as established by Section 544.170, RSMo. This allows the arresting officer time to complete any necessary reports and to have a warrant issued and bond set by a judge. If the criminal charge is a reportable offense, the officer will fingerprint the suspect on the Missouri State Fingerprint Card (SHP-108) and on the Federal Criminal Fingerprint Card (FD 249).

Warrant Arrest

When a law enforcement official arrests a subject based on an arrest warrant, a determination will need to be made by the arresting agency on whether or not the subject needs to be fingerprinted. This determination is based on two factors: who issued or requested the warrant and the type of warrant issued.

If your department originally requested the warrant and fingerprints were previously taken, do not reprint the subject. When the prosecuting attorney takes action, the Offense Cycle Number from the fingerprint card taken at the time of the initial arrest will be utilized. Printing the subject a second time will result in a duplication of charges in the criminal history system creating a false set of arrest information and will ultimately cause problems for all users of the system.

If your agency was not the originating agency of the warrant, fingerprinting is optional. If the subject is not fingerprinted by your agency, it will not adversely affect the criminal history system since the originating agency of the warrant has the responsibility of ensuring a criminal record has been established for the original offense. If your agency chooses to fingerprint the subject, the disposition field on the state fingerprint card must indicate "Turned over To" along with the name of the arresting agency. By indicating "Turned over To" in the disposition field, a detailed Record of Arrest and Prosecution (RAP) sheet will be produced without creating a duplicate or false set of arrest information in the offender's criminal history. The blue and white set of the state criminal card should be destroyed since the case will be prosecuted through the originating agency.

The Missouri Charge Codes for failure to appear, probation and parole violations and fugitive from out-of-state are often misused when associated with warrant arrests.

Failure to Appear Charge

If a defendant fails to appear for a court appearance, either from a summons or an arrest for a specific charge, the judge may ask the prosecutor if they are requesting a warrant. If the prosecutor would like the defendant to appear on the original charges, the judge will issue a capias warrant for failure to appear. Since this action occurred on the judge's authority and a prosecutor cannot charge orally, the warrant for failure to appear is not a new charge. The only pending criminal charge is associated with the original charge, and the defendant can only be held responsible for that charge. Therefore, the charge code for the original offense must be provided on



that charge. Therefore, the charge code for the original offense must be provided on the fingerprint card when booking an individual for a failure-to-appear warrant arrest. If the original charge and coordinating charge code are not provided on the fingerprint card for a failure-to-appear warrant arrest, the card will not be processed by the central repository and will be sent back to the contributing agency for clarification.

The charge code for failure to appear should only be used when the prosecutor has filed a formal, written complaint for the specific charge of failure to appear.

Probation and Parole Violations

A warrant arrest stemming from a probation or parole violation should be coded according to the assigned charge code for either the probation or parole violation. When completing the offense information, it is helpful to include the description of the original offense as well as the case number if known. The actual charge of probation or parole violation is usually not pursued by the prosecuting attorney, and the penalty will generally be imposed from the original offense. The prosecuting attorney should indicate that charges were not filed on the arrest for either the probation violation or the parole violation.

Fugitive from Out-of-State Charge Code

The Missouri Revised Statute Section 548.141, RSMo, pertaining to extraditions authorizes the arrest of a subject without a Missouri warrant if it is believed the subject stands accused of a felony in another state. When an out-of-state warrant is returned on a subject following an NCIC check, the subject has been charged with a felony offense in the originating state and can therefore be arrested according to Missouri law. If the subject is fingerprinted, the correct coding of the charge is felony, fugitive from out-of-state, Section 548.141, RSMo, and the Missouri Charge Code is 2817002.

Since the case will not be prosecuted in your jurisdiction, there is no need to forward the criminal fingerprint form sets to the state prosecuting attorney. The law enforcement agency that made the initial arrest from the extradition proceedings should destroy the blue and white carbon components.

Neither the fugitive from out-of-state charge code nor the federal fugitive charge code should be used on a fingerprint card to identify the charge(s) from an in-state wanted person's entry. The term fugitive is often used freely to describe an outstanding Missouri warrant; however, it is not an actual criminal charge. Missouri statutes have not designated a formal in-state "fugitive" charge for those persons wanted for an outstanding Missouri warrant. Therefore, the original charge and charge information must be submitted on any warrant arrest.

Remember, there is no need to submit arrest information for minor traffic offenses or municipal violations, including those issued due to a failure to appear.



Juvenile Arrest

If the arrested subject is a juvenile offender and has committed a felony offense, the juvenile must be fingerprinted on the Missouri State Juvenile Fingerprint Card (SHP-559) pursuant to Section 43.503, RSMo. In the event an arrested juvenile has been certified by a circuit court to stand trial as an adult, the subject should be printed on the State Criminal Fingerprint Card (SHP-108) and the Federal Criminal Fingerprint Card (FD 249). A copy of the certification papers must be attached to the state fingerprint card when submitting the information to the central repository. This will allow criminal records staff to identify the subject as an adult offender and establish a criminal history.

After the fingerprint impressions have been taken and all of the identification data elements on the card have been completed, the card is ready for processing. The first two portions of the juvenile fingerprint card containing the identifying information of the juvenile offender and the arrest information are forwarded to the local juvenile office. The remaining back portion of the fingerprint card containing the juvenile's fingerprints will be forwarded to the central repository.

When a juvenile is alleged to have violated a state or municipal traffic violation that does not constitute a felony, the juvenile court will not have jurisdiction, Section 211.031, RSMo.



LNM		FNM	MNI	Submitting Agency ORI & Address		Offense Cycle Number	
Local Offense Cycle Number			Aliases			JV 126802	
Signature of Person Fingerprinted				Date of Birth	Sex	Race	
Date	Signature of Person Taking Fingerprints			Agency Case Number			
Alleged Violations		Date Taken Into Custody		Court of Jurisdiction - Address			
		Social Security #					

JUVENILE FINGERPRINTS 821-0336 8/93 SHP-559

MUST BE FORWARDED TO COURT OF JURISDICTION

Top Sheet

Juvenile
Offender
Card

Forward to - Missouri State Highway Patrol Criminal Records and Identification Division Post Office Box 568 Jefferson City, MO 65102				Submitting Agency ORI & Address		Offense Cycle Number	
						JV 126802	
				Date of Birth		Sex	Race
				Agency Case Number			
				Court of Jurisdiction - Address			
<div>1. R. THUMB</div> <div>2. R. INDEX</div> <div>3. R. MIDDLE</div> <div>4. R. RING</div> <div>5. R. LITTLE</div> <div>6. L. THUMB</div> <div>7. L. INDEX</div> <div>8. L. MIDDLE</div> <div>9. L. RING</div> <div>10. L. LITTLE</div> <div>LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY</div> <div>L. THUMB</div> <div>R. THUMB</div> <div>RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY</div>							

Back Sheet

When Do You Print and Where Is It Sent?



SITUATION	WHEN TO PRINT	WHAT TO SEND TO CENTRAL RECORDS REPOSITORY	WHAT TO SEND TO PROSECUTING ATTORNEY
Probable Cause Arrest	When an officer believes, based on certain circumstances, that an offense was committed and the accused committed that offense.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically	Disposition Form Set (Blue & White Carbons) (Electronically ="Case Mgt.")
Warrant - Arrest Own Agency	Only if the individual has not been previously fingerprinted on that specific incident.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically	Disposition Form Set (Blue & White Carbons) (Electronically ="Case Mgt.")
Warrant - Arrest Other Agency	Optional if a law enforcement agency chooses to print an individual for a warrant from another agency, the officer must indicate turned over to (TOT) in the disposition field.	If the subject is fingerprinted, use both the state and federal fingerprint cards	Not applicable Disposition Form Set (Blue & White Carbons) Must be Destroyed
Juvenile - Arrest Traffic Offense	If a juvenile over the age of 15 1/2 is alleged to have violated a state or municipal traffic ordinance or regulation, the violation does not constitute a felony. EX: A juvenile is picked up for a first time DWI.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically	Disposition Form Set (Blue & White Carbons) (Electronically ="Case Mgt.")
Juvenile - Custody Felony Offense (Not currently certified as an adult)	In instances where an individual less than 17 years of age is taken into custody for an offense which would be considered a felony if committed by an adult. EX: Juvenile taken into custody for a felony stealing offense.	Juvenile Fingerprint Card or Electronically	Not Applicable The juvenile form set is forwarded to the juvenile officer.
Juvenile - Custody Felony Offense (Juvenile subsequently certified as an adult for a felony offense)	Print after certification to start criminal history.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically Certification Papers	Disposition Form Set (Blue & White Carbons) (Electronically ="Case Mgt.")
Juvenile - Arrest (Currently certified as an adult)	Treat as adult.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically Certification Papers	Disposition Form Set (Blue & White Carbons) (Electronically ="Case Mgt.")
Order For Fingerprinting	If the court orders that a sentenced individual be fingerprinted in instances where the individual has not previously been fingerprinted for that case. EX: When a summons is issued for a subject to appear before a court and there has been an arrest.	State Criminal Fingerprint Card (OCN) Federal Criminal Fingerprint Card or Electronically	Return Order with OCN to Court

SECTION 6

PROSECUTOR ACTION





Prosecutor Action

Prosecutor action may be submitted to the central repository either manually via the blue criminal fingerprint form set or through an electronic medium. The filing status of all arrests referred for prosecution is required to be reported to the central repository Section 43.503, RSMo. It is extremely important for the prosecuting attorney to obtain the Offense Cycle Number from the arresting law enforcement agency when submitting the charge information to the central repository. Without the Offense Cycle Number the prosecutor action cannot be positively linked to the arrest information.

When the filing status is reported using the blue prosecutor action form, the Offense Cycle Number is automatically provided. The Offense Cycle Number is preprinted on each segment of the fingerprint card and can be found in the upper right-hand corner of the blue prosecutor action form set of the state criminal fingerprint card. If the prosecutor action is filed through an electronic medium, the Offense Cycle Number must be obtained from the blue prosecutor action form of the criminal fingerprint card and identified with the remaining mandatory filing information.

The following data elements along with the Offense Cycle Number are required in the submission of the criminal history information to the central repository from the prosecuting attorney: prosecutor ORI or originating agency identifier, first and last name of the accused, count number, Missouri Charge Code, the type of action taken and the date the action occurred. The filing status should be indicated as one of the following descriptions or the associated code: charges filed, charges amended, charges not filed, nolle prossed, no bill, dismissed by prosecutor, deferred, combined or diversion.

Deferred Prosecution

When a prosecuting attorney chooses to defer prosecution of a defendant, generally there is no case filed with the court. An agreement is reached between the prosecutor and defendant where no case will be filed if the defendant follows certain guidelines spelled out in the agreement for a specified amount of time. If the defendant violates the agreement during the specified time period (i.e., is arrested on another charge), the prosecutor will file the deferred charge in addition to the new charge. If a prosecutor chooses to defer a charge in this manner, the decision should be reported to the Missouri Criminal Records Repository (MCRR) via the blue disposition copy of the fingerprint card by marking "Deferred Prosecution" next to the charge being deferred. The white disposition copy should be retained in the prosecutor's file in case the charge is filed after the defendant violates the agreement. If the charges are filed or if the defendant satisfies the terms of the agreement, the prosecutor should report the disposition of the arrest (charge filed or charge not filed) to the MCRR using the Supplemental Action Form.



Another option used by prosecutors is to file the charge with the court, then defer charges. Once an agreement is reached with the defendant, the prosecutor dismisses the court case. If the blue disposition copy has already been submitted to the MCRR to report charges that have been filed, the prosecutor should submit a Supplemental Action Form notifying the MCRR of the deferment. The white disposition copy should still be forwarded to the court for reporting the dismissal of the court case.

Finally, there are some instances where the prosecutor files the court case and reaches the deferral agreement but does not dismiss the court case (in case the charge must be pursued again when the defendant violates the agreement). The court may hold the case in pending status; but often the case will be placed on a “dismissal docket” of inactive cases, and the court will dismiss the case due to lack of prosecution. The prosecutor should still report the deferment via the blue disposition copy and give the white copy to the court for reporting when the case is dismissed or if the case reopens due to the defendant violating the agreement.

Despite the method of deferred prosecution used, the prosecutor needs to develop a system of tracking which arrests they have deferred.



MANUAL PROCESS OF REPORTING PROSECUTOR ACTION



Instructions on filling out the blue prosecutor action carbon copy:
(#1 - 29 should be filled in by law enforcement agency)

1. Subject's State Identification Number, if known
2. Subject's last name, first name, and middle initial
3. Subject's date of birth
4. Subject's FBI number, if known
5. Subject's residence
6. Subject's place of birth
7. Subject's social security number
8. Subject's signature
9. Subject's of person taking fingerprints
10. Subject's county of citizenship
11. Subject's local ID number
12. Subject's sex
13. Subject's race
14. Subject's height
15. Subject's weight
16. Subject's eye color
17. Subject's hair color
18. Arresting agency's name and ORI
19. Arresting officers badge number
20. Date of arrest
21. Date of Offense
22. County incident number
23. Local incident number
24. Offense type: felony, misdemeanor, ordinance
25. Literal offense
26. Statute number for listed charges
27. Eight-digit Missouri Charge Code
28. NCIC codes for charges listed
29. Disposition form law enforcement (TOT, refer to PA, etc.)
30. Charge description and indication if charges were filed or not filed on each charge
31. Charge type: felony, misdemeanor, ordinance
32. Eight-digit charge code
33. Prosecutor's case number
34. Prosecutor's ORI
35. Date action was taken
36. Signature of prosecutor



SID NO. MO. 1		LAST NAME 2			FIRST NAME			MIDDLE NAME			DATE OF BIRTH 3		OFFENSE CYCLE NO. 99539449	
FBI NO. 4		RESIDENCE 5						PLACE OF BIRTH 6		SOCIAL SECURITY NO. 7				
SIGNATURE OF PERSON FINGERPRINTED 8 X						SIGNATURE OF OFFICIAL TAKING FINGERPRINTS 9 X						COUNTRY OF CITIZENSHIP 10		
OFFENDER ID NO. 11				SEX 12	RACE 13	HGT. 14	WGT. 15	EYES 16	HAIR 17	ARRESTING AGENCY NAME & ORI 18				
ARRESTING OFF. BADGE NO. 19		DATE OF ARREST 20		DATE OF OFFENSE 21		COUNTY OF ARREST 22		OCA / INCIDENT NO. 23						
OFF TYPE (F, M, O)	OFFENSE 25					STATUTE 26		CHARGE CODE 27		NCIC 28	DISPOSITION 29			
1. 24														
2.														
3.														
DATE FINGERPRINTED				NCIC										
ACTION TAKEN BY PROSECUTOR										PROSECUTOR'S ORI NO. 34				
CHARGE DESCRIPTION		CHARGE TYPE		CHARGE CODE		PROSECUTOR CASE NUMBER				DATE ACTION TAKEN 35				
1. 30		31		32		33				SIGNATURE 36				
2.										PROSECUTING / CIRCUIT ATTORNEY COPY				
3.										THE PROSECUTING ATTORNEY OR CIRCUIT ATTORNEY SHALL NOTIFY THE MISSOURI STATE HIGHWAY PATROL, CRIMINAL RECORDS AND IDENTIFICATION DIVISION, OF ACTION TAKEN.				
4.														
5.														
6.										MAIL TO:				
7.										MISSOURI STATE HIGHWAY PATROL CRIMINAL RECORDS & IDENTIFICATION DIVISION P. O. BOX 568 JEFFERSON CITY, MO 65102				
8.										PHONE: (573) 526-6153				

Prosecutor Action Sheet

Supplemental Action Form




When a prosecuting attorney or circuit attorney makes changes to the charges against an offender, the Supplemental Action Form should be submitted to the central repository by the prosecuting attorney in the following situations:

- A. Charges bound over at associate court but not filed at circuit court,
- B. Charges dropped from case (e.g. amended information or complaint is filed reducing the number of counts)
- C. Charges amended to completely different charges.

INSTRUCTIONS:

- (1) Enter name of defendant.
- (2) Enter defendant's date of birth.
- (3) Enter OCN - not a new OCN, use the original.
- (4) Enter SID number of defendant, if known.
- (5) Enter charge(s), date of arrest and count number(s) or the supplemental information which pertains.
- (6) Enter changes in prosecutor's or circuit attorney's action.
- (7) Enter any comments pertaining to the case.
- (8) Enter reporting agency's name, address and ORI.
- (9) Enter date of report.
- (10) Signature of person completing the form.

 SUPPLEMENTAL ACTION PROSECUTING ATTORNEY/CIRCUIT ATTORNEY & COURT ACTION GHP-294		
<div style="display: flex; justify-content: space-between;"> <div>DEFENDANT'S NAME</div> <div>LAST (1)</div> <div>FIRST</div> <div>MIDDLE</div> </div>		
DATE OF BIRTH (2)	OFFENSE CYCLE NUMBER (OCN) (3)	STATE IDENT NUMBER (SID) (4)
CHARGE(S) COUNT NUMBER(S) (5)		
CHANGE(S) IN PROSECUTOR'S ACTION (6)		
ADDITIONAL COURT DISPOSITION		
SENTENCE REVERSED & REMANDED	COUNT NO.	DATE
PROBATION REVOKED (EXPLAIN ACTION)	COUNT NO.	DATE
EXPUNGEMENT	COUNT NO.	DATE
JUDGEMENT OF DISCHARGE	COUNT NO.	DATE
OTHER (EXPLAIN IN DETAIL)	COUNT NO.	DATE
COMMENTS: (7)		
REPORTING AGENCY NAME/ORI (8)		
DATE (9)	SIGNATURE (10)	

SECTION 7

***COURT REPORTING
PROCESS***

COURT REPORTING
PROCESS





Introduction

The courts are an essential step in reporting criminal history information. As law enforcement has created the arrest record and the prosecutor has reported charges filed, the courts must provide dispositions to the charges and report them via the Offense Cycle Number (OCN). All state courts report case dispositions, either on Statewide Judicial Information System (SWJIS) forms or in automated systems; but if the OCN is not in the reported information, the disposition cannot be tied back to the correct arrest record in the Missouri Criminal Records Repository (MCRR). This results in arrest records with unknown dispositions, and this poses a threat to the safety of Missouri's citizens.

Responsibilities

Section 43.503.4, RSMo, states that state court clerks are responsible for reporting all final dispositions of criminal cases for which the central repository has a record of an arrest or record of fingerprints using the OCN. This reporting is done by reporting information through the Office of State Courts Administrator (OSCA) via SWJIS or through the Justice Information System (JIS). (See "How to Report.")

Include OCN on Court Documents

The courts also must report conviction information to the Department of Corrections on defendants sentenced to the Department of Corrections. When reporting this information, courts must ensure the OCN is included on sentence and judgment forms when defendants are sentenced to the Department of Corrections. In addition, the OCN must be included on commitment orders when a defendant is committed to the Department of Mental Health. These agencies use the OCN to report the status of offenders in their custody such as death, pardon, parole, release, etc., to the MCRR.

Courts also need to record the OCN on warrants and forward with the case file when there has been a change of venue. If law enforcement serves a warrant with an OCN, they know not to fingerprint again for that offense. Likewise, if a county receives a case on a change of venue with the original OCN available, they should report using that OCN and include the OCN on warrants as well. This reduces the number of "duplicate" OCNs in the criminal history database which clouds an individual's criminal history with the appearance of multiple crimes when in reality there may only be one offense. However, if a case received on a change of venue does not have an OCN, the court will need to order fingerprints to generate an OCN (see Order for Fingerprinting).

It is also good practice to record the OCN on dockets, the case file, ignition interlock orders, and any other significant court documents. This aids court staff when looking for the OCN and prevents a duplicate OCN from being generated. Also include the OCN on expungement orders so the correct arrest record can be expunged at the MCRR.

Order For Fingerprinting



Section 43.503.6, RSMo, allows for fingerprinting and assigning an OCN in those instances where a person is appearing for sentencing without having been previously fingerprinted for that case. Upon finding that the defendant has not been fingerprinted for the case, the court completes the Order for Fingerprinting found in Section 301.11 of the Court Clerk Handbook. When signed by the judge, this orders a law enforcement agency, court security, the bailiff, or other designated person to complete the Missouri Criminal Fingerprint Card to send to the central repository and forward the OCN back to the court for reporting.

The court should keep track of what cases do not have an OCN, so cases needing an Order for Fingerprinting are easily identified. One way of doing this is by writing the OCN on the case file in a uniform place. If the OCN is not there, then the order should be completed. Courts using JIS can select to print the OCN on the court calendar using the calendar print options. If the OCN has not been received by the court and recorded in JIS, the calendar will print "OCN not on file" and thus the order will need to be completed.

Sections completed by the court

Section completed by the individual taking the fingerprints

The OCN is recorded on this line, and the order is then returned to the court to provide the OCN for reporting. The agency fingerprinting the defendant submits the fingerprint card to the MCRR.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI	
Judge or Division:	Case Number:
	DOB:
	SSN:
(Date File Stamp)	
Defendant's Name, Alias (es)/Address:	Offense(s):
Order for Fingerprinting	
Now on _____ (date), the Court, having pronounced sentence, and having concluded that the Defendant has not previously been fingerprinted for this same offense, hereby orders Defendant, pursuant to Section 43.503.6 RSMo, to report immediately to the _____ Department for fingerprinting. The Defendant is ordered to submit to the fingerprinting, and is further ordered to provide all information necessary for the officer taking the fingerprints to fully complete all identification and photograph portions of the standard fingerprint cards.	
_____ Judge	
Return	
The _____ Department hereby confirms that the Defendant appeared and was fingerprinted pursuant to the court's order on _____ (date)	
The State Criminal Fingerprint card bearing OCN _____ will be submitted to the Missouri Central Records Repository without undue delay.	
_____ Deputy/Officer	

For example, a defendant who was intoxicated and injured in an accident is arrested but then admitted to the hospital. Law enforcement does not get fingerprints taken at the hospital. The defendant is subsequently released upon posting bond or on a summons and has still not been fingerprinted. If the fingerprints are not taken while the defendant is in court, the OCN will not be generated and no criminal history will be documented for the offense.

How to Report



Instructions for Municipal Court Reporting

While municipal courts are not required to report case disposition information on most municipal offenses, Section 43.506, RSMo, does require all alcohol and drug related driving offenses to be reported. If local jurisdictions wish, they may report other municipal offenses (such as assaults and drug violations) to the repository as well.

After receiving the white disposition copy from the city prosecutor, record the court disposition in the lower left block of the form where the prosecutor has reported their actions. Address each charge the prosecutor has filed, and record the charges as disposed in court. Remember to keep a copy of the OCN in the case file. The disposition copy should look similar to the following:

SID NO. MO.		LAST NAME FIRST NAME MIDDLE NAME			DATE OF BIRTH		OFFENSE CYCLE NO.	
		DOE JOHN D			10-6-1976		99168415	
FBI NO.		RESIDENCE			PLACE OF BIRTH		SOCIAL SECURITY NO.	
		348 JACKSON, KANSAS CITY, MO			MO		123-45-6789	
SIGNATURE OF PERSON FINGERPRINTED				SIGNATURE OF OFFICIAL TAKING FINGERPRINTS				COUNTRY OF CITIZENSHIP
X				X				USA
OFFENDER ID NO.		SEX	RACE	HGT.	WGT.	EYES	HAIR	ARRESTING AGENCY NAME & ORI
54321		M	W	5'9"	170	BRO	BRO	JEFFERSON CITY PD MO02602100
ARRESTING OFF. BADGE NO.	DATE OF ARREST	DATE OF OFFENSE	COUNTY OF ARREST	OCA / INCIDENT NO.				
1201	4-11-99	4-11-99	COLE	99-20344				
OFF. TYPE (F)	OFFENSE				STATUTE	CHARGE CODE	NCIC	DISPOSITION
1. O	LOCAL DWI					9143504.0	5404	Referred to Municipal Court for Prosecution
2. O	LOCAL ASSAULT					9051099.0	1399	
3. O	LOCAL DRUG POSSESSION					9139099.0	3599	
DATE FINGERPRINTED				NCIC				
4-11-99								
ACTION TAKEN BY PROSECUTOR				CHARGE TYPE	CHARGE CODE	PROSECUTOR CASE NUMBER	PROSECUTOR'S ORI NO.	
CHARGE DESCRIPTION							MO026013A	
1	LOCAL DWI FILED O 9143504.0 300-123MU				DATE ACTION TAKEN			
	GP 8-1-99/\$500 FINE				FILED 5-15-99			
2	LOCAL ASSAULT FILED O 9051099.0 300-123MU				SIGNATURE			
	GP 8-1-99/SIS & 1 YR PROBATION							
3	LOCAL DRUG POSS FILED O 9139099.0 300-123MU				COURT COPY			
	DISMISSED BY COURT 8-1-99				THIS COPY IS TO PROVIDE THE OFFENSE CYCLE NUMBER AND ARREST / CHARGE INFORMATION TO THE COURT FOR FINAL DISPOSITION REPORTING			
4	MO095481J							
	(COURT ORI)							
5								
6								
7								
8								

Once the final disposition is recorded on the form, send the completed form to:

**Missouri State Highway Patrol
Criminal Records and Identification Division
P.O. Box 568
Jefferson City, MO 65102**

Instructions for State Courts



State courts report case dispositions through SWJIS at OSCA either manually on forms or electronically through the Associate Case Management System (ACMS), the Missouri Court Information System (MOCIS) or the Justice Information System (JIS). Eventually the manual forms, ACMS and MOCIS will be replaced by JIS, which will allow the courts to enter information that will be sent directly to the MCRR.

SWJIS Forms/Associate Circuit Division Form 1 (completed when case is filed and at disposition)

This form is part of the associate Criminal Docket Sheet forms. It is the half sheet immediately behind the docket sheet portion.

- 1) Enter the appropriate case header information.
- 2) Indicate the literal description of the charges (optional).
- 3) Enter the charge code associated with the charge on step 2.
- 4) Record the OCN for the charge. Be sure to include it on each charge.
- 5) Check the origin of the file (1 is by information, 4 by change of venue, etc.).
- 6) Check if warrant was or was not issued at filing.

CRIMINAL DOCKET SHEET (Associate Division)	COUNTY AND DIVISION NUMBER	CIRCUIT NO.	CASE NUMBER
	DATE FILED		
	STATE OF MISSOURI vs.	PROSECUTOR (Optional)	JUDGE NAME AND MOBAR NUMBER AT FILING
	DEFENSE ATTORNEY (Optional)		
(Assign a number if more than one defendant)# _____			
CHARGES (Description Optional)		CHARGE CODES/ OFFENSE CYCLE NUMBERS (OCN)	
1. _____		1. _____	
2. _____ (2)		2. _____ (3) (4)	
3. _____		3. _____	
4. _____		4. _____	
5. _____		5. _____	
ORIGIN OF CASE (5)		WARRANT ISSUED AT FILING: (6)	
1. _____ Information/Complaint 5. _____ Transferred In (New Location # _____)		Yes _____ No _____	
4. _____ Change of Venue 7. _____ Remanded for Resentencing 9. _____ Other/Supp			

SWJIS Forms/Associate Circuit Division
Form 1 (completed when case is filed and at disposition)



This form follows the previous form. The top sections should already be completed from the carbons.

- 7) Indicate date warrant was served or recalled, if applicable.
- 8) Using the Disposition Codes indicate the disposition, record the date, the charge code (if amended from the original filing), the OCN and the judge's MOBAR number at disposition.
- 9) Using the sentence codes indicate the sentence. Then enter the length of probation and/or jail term, check if a fine was sentenced and record the Crime Victims' Compensation judgement date and date satisfied (optional).

CRIMINAL DOCKET SHEET (Associate Division)		COUNTY AND DIVISION NUMBER	CIRCUIT NO.	CASE NUMBER															
		DATE FILED																	
STATE OF MISSOURI vs.		PROSECUTOR (Optional)		JUDGE NAME AND MOBAR NUMBER AT FILING															
		DEFENSE ATTORNEY (Optional)																	
(Assign a number if more than one defendant)# _____																			
CHARGES (Description Optional)		CHARGE CODES/ OFFENSE CYCLE NUMBERS (OCN)																	
1. _____		1. _____																	
2. _____		2. _____																	
3. _____		3. _____																	
4. _____		4. _____																	
5. _____		5. _____																	
ORIGIN OF CASE		WARRANT ISSUED AT FILING:																	
1. _____ Information/Complaint 5. _____ Transferred In (New Location # _____)		Yes _____ No _____																	
4. _____ Change of Venue 7. _____ Remanded for Resentencing 9. _____ Other/Supp																			
New Instructions For Dispositions & Refilings																			
<p>Mental Exams - If a mental exam is returned as not competent to proceed, disp. the case with the "other" disp. code. If the def. is later found to be competent, report a supp. filing on a new pink filing sheet using the original case number and charge code(s); use the "other" origin code and the date the def. was found competent as the supp. filing date. The disp. of the supp. filing should be reported when it occurs.</p> <p>Withdrawal of Guilty Plea- If there is a withdrawal of a guilty plea, report a supp. filing on a new pink filing sheet using the original case number and charge code(s); use the "other" origin code and the date the def. withdrew the guilty plea as the supp. filing date. The disp. should be reported when it occurs.</p> <p>Referral to Drug Courts If a def. is referred to a drug court, report the case disp. with the "other" disp. code. If the def. fails to complete the drug court and there is further prosecution of the case, report a supp. filing on a new pink filing sheet using the original case number and charge code(s); use the "other" origin code and the date the prosecutor renews the case as the supp. filing date. The disposition should be reported when it occurs.</p>																			
CHANGE OF STATUS/DELAY IN CASE DISPOSITION (Effective January 1, 1997 stays are no longer valid in SWJIS. Warrant time makes up the only inactive time accounted for in time standards calculations. Warrants should be reported as they occur on the "Associate Criminal Warrant/Judge Change Reporting Form." Warrants returned on the same date as the case disposition can be reported below on this docket sheet instead of the Associate Criminal Warrant/Judge Change Reporting Form.)																			
DATE WARRANT SERVED: _____ (7)																			
OR DATE WARRANT RECALLED: _____																			
DISPOSITION																			
(Write the appropriate code and disposition date for each charge. If the charge at disposition is different than the one shown above, you must report the charge code at disposition.)																			
DISPOSITION CODES																			
<table style="width: 100%; border: none;"> <tr> <td>1. Jury Verdict - Guilty</td> <td>4. Tried by Court - Guilty</td> <td>7. Guilty Plea</td> <td>10. Change of Venue to her county</td> <td>13. Bound Over After Prelim. Hearing</td> </tr> <tr> <td>2. Jury Verdict - Not Guilty</td> <td>5. Tried by Court - Not Guilty</td> <td>8. Dismissed by State</td> <td>11. Transferred to another associate division within county</td> <td>14. Certified</td> </tr> <tr> <td>3. Jury Verdict - NG/Mental Disease</td> <td>6. Tried by Court - NG/Mental Disease</td> <td>9. Dismissed by Court</td> <td>12. Bound Over/Waive Prelim. Hearing</td> <td>20. Other</td> </tr> </table>					1. Jury Verdict - Guilty	4. Tried by Court - Guilty	7. Guilty Plea	10. Change of Venue to her county	13. Bound Over After Prelim. Hearing	2. Jury Verdict - Not Guilty	5. Tried by Court - Not Guilty	8. Dismissed by State	11. Transferred to another associate division within county	14. Certified	3. Jury Verdict - NG/Mental Disease	6. Tried by Court - NG/Mental Disease	9. Dismissed by Court	12. Bound Over/Waive Prelim. Hearing	20. Other
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3. Jury Verdict - NG/Mental Disease	6. Tried by Court - NG/Mental Disease	9. Dismissed by Court	12. Bound Over/Waive Prelim. Hearing	20. Other															
				OCN															
Charge #1	Disposition Code # _____	Date _____	Amended Charge Code # _____	(8)															
Charge #2	Disposition Code # _____	Date _____	Amended Charge Code # _____																
Charge #3	Disposition Code # _____	Date _____	Amended Charge Code # _____																
Charge #4	Disposition Code # _____	Date _____	Amended Charge Code # _____																
Charge #5	Disposition Code # _____	Date _____	Amended Charge Code # _____																
JUDGE MOBAR NUMBER AT DISPOSITION _____																			
SENTENCE																			
(Indicate sentencing date only if different from disposition date(s) above.) Date _____																			
SENTENCE CODES: 1. Suspended Imposition of Sentence (SIS) 2. Sentence Imposed and Executed 4. Suspended Execution of Sentence (SES)																			
Circle one																			
Charge #1	Sentence Code # _____	Term: Probation _____ Y/M/D	Jail _____ Y/M/D	Fine: Yes _____ No _____															
Charge #2	Sentence Code # _____	Term: Probation _____ Y/M/D	Jail _____ Y/M/D	Fine: Yes _____ No _____															
Charge #3	Sentence Code # _____	Term: Probation _____ Y/M/D	Jail _____ Y/M/D	Fine: Yes _____ No _____															
Charge #4	Sentence Code # _____	Term: Probation _____ Y/M/D	Jail _____ Y/M/D	Fine: Yes _____ No _____															
Charge #5	Sentence Code # _____	Term: Probation _____ Y/M/D	Jail _____ Y/M/D	Fine: Yes _____ No _____															
Circle one																			
CRIME VICTIMS' COMPENSATION JUDGMENT Date Entered: _____ Date Satisfied (Optional): _____																			

**SWJIS Forms/Circuit Division
Form 1 (completed when case is filed)**



- 1) Enter the case number.
- 2) Indicate defendant number (on cases with multiple defendants, 1 is defendant #1, 2 for defendant #2, and so on).
- 3) Enter defendant's name.
- 4) Record the day the case was filed.
- 5) Enter the origin of the file (from form: 1 is by information, 2 is indictment, etc.).
- 6) Enter the judge's bar number.
- 7) Indicate which charge you are addressing for that line.
- 8) Record the OCN, if available.
- 9) Enter the charge code for the offense for that line.

Statewide Judicial Information System (SWJIS)					Circuit Division -- Criminal Form 1			
CIRCUIT _____		LOCATION _____		COUNTY _____	MONTH/YEAR _____			
SIGNATURE _____					PHONE (____) _____		PAGE ____ OF ____	
<div style="display: flex; justify-content: space-between;"> <div> <p>*5. ORIGIN CODES</p> <p>1 information</p> <p>2 indictment</p> <p>3 certified from associate (Use only for misdemeanor cases)</p> </div> <div> <p>4 change of venue</p> <p>6 cert/trial de novo from muni</p> <p>7 remanded for resentencing</p> <p>9 supplemental/other</p> </div> <div> <p>Note: CHG. # = count #</p> </div> </div>								
1 CASE NUMBER	2 DEFT. #	3 DEFENDANT(S) NAME	4 Date (MMDDYY)	*5 ORIGIN CODE	6 JUDGE MOBAR NUMBER	7 CHG. #	8 OFFENSE CYCLE NUMBER	9 CHARGE(S) CODE
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
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**Form 2 (completed when case is disposed and/or to report
warrants issued/executed/recalled)**

- 1) Enter the case number.
- 2) Record the date of disposition (not necessarily the date you complete the form).
- 3) Enter the defendant number.
- 4) Indicate the charge number for that line.
- 5) Record the charge code if it was amended, otherwise leave blank.



- 6) Indicate the bar number of the judge at the disposition of case.
- 7) Enter the warrant code (1 is issued, 2 is executed/recalled).
- 8) Indicate the disposition code from the form (1 is jury verdict-guilty, 2 jury verdict-not guilty, etc.).
- 9) Enter the length of the sentence.
- 10) Enter the sentence code from the form (1 is SIS, 2 is SIE, etc.).
- 11) Indicate if there was a fine, (Y for yes, N for no). Do not indicate specific dollar amounts.
- 12) Enter the length of probation.
- 13) Indicate any changes to probation from the codes on the form, such as revoked, extended, etc.
- 14) Indicate if Crime Victims' Compensation Judgment was entered and/or satisfied.
- 15) Enter the OCN if not recorded on Form 1. The OCN must be reported on Form 1 or Form 2 to complete a criminal history for the case.

Statewide Judicial Information System (SWJIS)										Circuit Division -- Criminal Form 2																																																																																																																																																																																																																																																				
CIRCUIT _____		LOCATION _____		COUNTY _____		MONTH/YEAR _____																																																																																																																																																																																																																																																								
SIGNATURE _____						PHONE (____) _____		PAGE _____ OF _____																																																																																																																																																																																																																																																						
WARRANT CODE 1 warrant issued 2 warrant executed/withdrawn		DISPOSITION CODES 1 jury verdict-guilty 2 jury verdict - not guilty 3 jury verdict-not guilty mental disease/ defect 4 tried court-guilty 5 tried court- not guilty 6 tried/court-not guilty mental disease/ defect 7 guilty plea 8 dismissed by state 9 dismissed by court 10 change of venue 20 other		SENTENCE CODES 1 suspended imposition of sentence (SIS) 2 sentence imposed or executed (SIE) 4 suspended execution of sentence (SES) 5 ses/drug probation 6 ses after 120 day DOC commitment		PROBATION CHANGE CODES 1 revoked 2 early discharge 3 extended 5 continued without extension 9 other		CRIME VICTIMS= COMPENSATION JUDGMENT e entered s satisfied																																																																																																																																																																																																																																																						
<div style="display: flex; justify-content: space-around; margin-bottom: 5px;"> ↑↑↑↑↑ </div> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th>1 CASE NUMBER</th> <th>2 DATE (mm/dd/yy)</th> <th>3 DEF #</th> <th>4 CHG #</th> <th>5 AMENDED CHARGE CODE</th> <th>6 JUDGE MOBAR #</th> <th>7 WARRANT CODE</th> <th>8 DISP. CODE</th> <th>9 SENTENCE LENGTH</th> <th>10 SENT. CODE</th> <th>11 FINE</th> <th>12 PROB. LENGTH</th> <th>13 PROB. CHANGE CODE</th> <th>14 CVCJ</th> <th>15 OFFENSE CYCLE NUMBER</th> </tr> <tr> <th></th> <th>(1)</th> <th>(2)</th> <th>(3)</th> <th>(4)</th> <th>(5)</th> <th>(6)</th> <th>(7)</th> <th>(8)</th> <th>(9)</th> <th>(10)</th> <th>(11)</th> <th>(12)</th> <th>(13)</th> <th>(14)</th> <th>(15)</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>																1 CASE NUMBER	2 DATE (mm/dd/yy)	3 DEF #	4 CHG #	5 AMENDED CHARGE CODE	6 JUDGE MOBAR #	7 WARRANT CODE	8 DISP. CODE	9 SENTENCE LENGTH	10 SENT. CODE	11 FINE	12 PROB. LENGTH	13 PROB. CHANGE CODE	14 CVCJ	15 OFFENSE CYCLE NUMBER		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	1																2																3																4																5																6																7																8																9																10																11																12																13															
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REVISED 11/96

Do not forget to fill in the circuit number, location, county, month/year, signature, phone number and page number at the top of each form.

The SWJIS forms, as well as information from ACMS and MOCIS (by disk or e-mail), are forwarded to OSCA where staff enters the information into the SWJIS database. It is important to ensure the information is accurate to minimize confusion and data entry errors.

ACMS Entry



- 1) At the **ACMS MASTER MENU** screen, select **Case Processing** and hit Enter.

```
ACMS
ACMS MASTER MENU
4.03

Test Database
Case Processing
Financial Reports
Statistical Reports
Supervisor Functions
Reference File Maintenance
Utilities Menu

Press Escape To Exit ACMS

Alt-F1 To RESET Division          F1 to View New Features
```

- 2) The **CASE PROCESSING MASTER MENU** now appears. Select **B-Add, Amend, Dispose Charge**.

```
ACMS
ACMS 4.03          CASE PROCESSING MASTER MENU          Mem: 140216
                  Circuit Court of Putnam Co

A-File A New Case          N-View / List Appearances By Date
B-Add, Amend, Dispose Charge  O-Generate Daily Docket
C-Post bond prior to case filing  P-Print Warrant Status Report
d-          Q-Print All Warr & Sum Issued Today
E-Find Case By Ticket No        R-Print Resident/NRUC Forms & Reports
F-Find A Defendant By Case Number  S-Print Filing Documents
G-Find case by Def. Name        T-Print Record of Conviction
f          U-Subpoena Status By Court Date
i          U-Incarceration Status Report
j          w
k          x
l          y
m          Z-Quit

F1 - Help          Enter letter of selection          PF10 - Exit
```


- 3) Select the case to be updated from the **Add, Amend, Dispose Charge Table** and press enter.



MS ACMS

Add, Amend, Dispose Charge Table

Case and defendant to find format 0389-000001T 01

Case - Def No.	Def Last Name	Chg Offense Code	Ticket No	Disp
0000-000001T 01	ZZ-System Use..	001	000000000	
0001-000001T 01	ZZ-Bond W0 Case	001	000000000	
0001-000002T 01	ZZ-Interest....	001	000000000	
0001-000003T 01	ZZ-Scheduling..	001	000000000	
0001-000004T 01	ZZ-County Pmt..	001	000000000	
0001-000005T 01	ZZ-Other Co Pmt	001	000000000	
0800-000196T 01	Schanzmeyer	001 SPEEDING POINT 11-15	008944444	
0800-000196T 01	Schanzmeyer	002 EXCEED 55 MPH LIMIT	008944444	
0800-000196T 01	Schanzmeyer	003 PSSD VEH ON RGHT/OFF	000123456	
0882-000060M 01	CUNNINGHAM	001 DWI <ALCOHOL INTOXIC	000003565	GP
0882-000141T 01	RUGGLES	001 FAIL DRU RGHT HLF RD	000187382	GP

F1-Point ENTER-Select Charge To Amend/Disp. INSERT-Add Charge PF10-Exit

- 4) At the **Amend - Dispose Charge** screen, enter the OCN in the OCN field, and press F9 to update. The OCN will now be updated in ACMS.

Add OCN
Here

Amend - Dispose Charge
Record will be Changed

Case No : 0000-000001T Def No: 01 Chg No: 001
 Defendant: ZZ-System Use Sys, Future Use
 Ticket No: 000000000 OCN : 99225352 Van Spd: 000 Pstd Lmt: 00

Current Charge

Court Offense Code: ZZZ-SYS
 SWJIS Charge Code: 0 Lvl: Mod: 0 0 1-Atmpt 2-Acs 3-Cnsp

Original Charge

Court Offense Code: ZZZ-SYS
 SWJIS Charge Code: 0 Date Amended : / /

Use ONLY for single charge disposition in multi-charge cases

Disposition : / / Disp Type : Counts : 0
 NOL DSC NGC : / / Disp Type : Counts : 0
 Comment :

F1-Help F9-Update PF10-Exit

MOCIS Entry



At case initiation

During case initiation in MOCIS, the OCN is simply added to charges as they are entered on the case. Be sure to include the OCN on each charge to which it applies.

Add OCN
Here

The screenshot shows the 'CASE FILING INFORMATION' window in the MOCIS - DFRUN application. The window title bar includes 'Auto' and standard window controls. The main area contains the following information:
Case Number: 5 0- 200 F
Defendant: 1 DOE, JANE
Number of charges: 1 Incarceration Status: NC 03/14/2000
Defendant Attorney: _____ Notice: _____
Below this is a table with columns: Charge, Mod, Description, T, C, Statute.
Row 1: Charge: 140208, Mod: _____, Description: BURGLARY - 2ND DEGREE, T: F, C: C, Statute: 569.170
Row 2: OCN: 92345678, Date of Offense: 03/13/2000
Rows 3-7: Charge: _____, Mod: _____, Date of Offense: _____, T: -, C: -, Statute: _____
At the bottom, it asks 'Is this information correct (Y/N) _'.
The Windows taskbar at the bottom shows 'Office', 'Dongle - Lotus ...', 'Problems List', 'Microsoft Projec...', 'MOCIS - DF...', 'Microsoft Word ...', and the time '4:07 PM'.

After the case has already been initiated

1) To enter the OCN after a case has been initiated (when the OCN is not received until later), first go to the **Pre-Sentence Event Menu** from the MOCIS Master Menu.

The screenshot shows the 'MOCIS Criminal System Master Menu' window in the MOCIS - DFRUN application. The window title bar includes 'Auto' and standard window controls. The main area contains the following information:
OFFICE OF STATE COURTS ADMINISTRATOR User : OSCA
MOCIS Criminal System Master Menu
A list of menu options:
1 Case Filing
2 Pre-Sentence Event Menu
3 Post-Sentence Event Menu
4 Party Menu
5 Cost Menu
6 Report Selection Menu
7 Online Inquiry Menu
8 Event Corrections
9 Criminal Supervisor Menu
Below the list, it says 'Please enter your choice: 2_'.
At the bottom, it says 'Use Arrows to select, then Return; USER2=Enhancements' and 'Press Escape to return to previous menu'.
The Windows taskbar at the bottom shows 'Office', 'Dongle - Lotus ...', 'Problems List', 'Microsoft Projec...', 'MOCIS - DF...', 'Microsoft Word ...', and the time '4:10 PM'.

2) Next, select Option 4, **Change of Charge Information**, and Enter.



A screenshot of a computer terminal window titled "MOCIS - DFRUN". The window shows a menu for the "OFFICE OF STATE COURTS ADMINISTRATOR" with the user "OSCA". The menu is titled "MOCIS Criminal System Pre-Sentence Event Menu" and lists eight options: 1 Warrant/Summons Information, 2 Bond Information, 3 Arrest Information, 4 Change of Charge Information, 5 Orders and Related Information, 6 Adv/Trans/Motions/Notices, 7 Hearing and Trial Information, and 8 Multiple Calendar Entry. Below the menu, it says "Please enter your choice: 4". At the bottom, it says "Use Arrows to select, then Return; USER2=Enhancements Press Escape to return to previous menu". The taskbar at the bottom shows various applications including "Office", "Dongle - Lotus ...", "Problems List", "Microsoft Projec...", "MOCIS - DF...", and "Microsoft Word ...". The time is 4:10 PM.

3) At the **Change of Charge Information** screen, enter the case number, enter an "O" at the **Activity** field, and press Enter twice.

A screenshot of a computer terminal window titled "MOCIS - DFRUN" showing the "CHANGE OF CHARGE INFORMATION" screen. The date is 03/14/2000. The screen displays the following information: Case Number: 5 0- 1 F 1, Defendant: < 1> DOE, JOHN F. Below this, it says "Change Of Charge: Current Number of Charges for this Defendant: 1". The "Activity" field is set to "O". The "Number of Charges" field is empty. The "Current Charge" field is set to "< >". Below this, it says "OCN: Date of Offense: Filed Date: Document:". The "Notice" field is empty. At the bottom, it says "Enter the activity (A)mend, (D)rop, (I)nsert or (O)CN/Date of Offense Change SC=Exit USER1=New Case/Def USER2=Calendar CALC=New Chgs SFIND=Current Chgs". The taskbar at the bottom shows various applications including "Office", "Dongle - Lotus ...", "Problems List", "Microsoft Projec...", "MOCIS - DF...", and "Microsoft Word ...". The time is 4:12 PM.

4) Next, select the charge that needs the OCN added.

5) Add the OCN to the OCN field, press Enter to update the OCN, and press F7 and return to the case.



Add
OCN
Here

The OCN is now added to the existing record in MOCIS.

JIS Entry

1) From the **Custom Initial Filing (CRANIT)** form, click on the Site button located at the bottom of the screen.

Click "Site" to
access
COASITE

Enter OCN Here

***Click to access
COASITE if OCN
was not entered at
case initiation***



7-13

Things to Remember



- Without including the OCN when reporting case information, the court disposition cannot be tied back to the arrest record, resulting in a “disposition unknown” in MULES.
- If an OCN does not exist and an order for fingerprinting is not completed to generate an OCN, there will be no criminal history documented for the offense.

The OCN can be reported any time it is received, even if the case is disposed. If
- a court normally completes SWJIS forms, a copy of the white disposition copy from the prosecutor can be submitted instead of completing a new batch of forms. Be sure the case number is indicated on the copy.

If a case already has an OCN and a second one is received, do not change the original OCN. Indicate on the new OCN sheet that it is a duplicate of the original OCN, include the original OCN and submit to the central repository.
- Be sure to include the OCN in each count on the SWJIS forms and in ACMS, MOCIS and BANNER. Failure to do so will result in the central repository not getting dispositions for all counts in a case.

For other reporting questions, refer to the Court Clerk Handbook and/or user manuals for ACMS/MOCIS/JIS.



MANUAL PROCESS OF REPORTING COURT DISPOSITIONS

Instructions on filling out the white disposition carbon copy:

(#1 - 29 should be filled in by policing agency)

(#30 - 36 should be filled in by the prosecuting attorney)

1. Subject's State Identification Number, if known
2. Subject's last name, first name and middle initial
3. Subject's date of birth
4. Subject's FBI number, if known
5. Subject's residence
6. Subject's place of birth
7. Subject's social security number
8. Subject's signature
9. Subject's of person taking fingerprints
10. Subject's county of citizenship
11. Subject's local ID number
12. Subject's sex
13. Subject's race
14. Subject's height
15. Subject's weight
16. Subject's eye color
17. Subject's hair color
18. Arresting agency's name and ORI
19. Arresting officer's badge number
20. Date of arrest
21. Date of offense
22. County incident number
23. Local incident number
24. Offense type: felony, misdemeanor, ordinance
25. Literal offense
26. Statute number for listed charges
27. Eight-digit Missouri Charge Code
28. NCIC codes for charges listed
29. Disposition form law enforcement (TOT, refer to PA, etc.)
30. Description of charge(s) filed on
31. Charge type: felony, misdemeanor, ordinance
32. Eight-digit Missouri charge code
33. Prosecutor case number
34. Prosecutor's ORI
35. Date action was taken
36. Signature of prosecutor
37. Final disposition should be written free text at the bottom of the carbon copy



SID NO MO. (1)		LAST NAME (2)		FIRST NAME		MIDDLE NAME		DATE OF BIRTH (3)		OFFENSE CYCLE NO. 99168415			
FBI NO. (4)		RESIDENCE (5)						PLACE OF BIRTH (6)		SOCIAL SECURITY NO. (7)			
SIGNATURE OF PERSON FINGERPRINTED X (8)						SIGNATURE OF OFFICIAL TAKING FINGERPRINTS X (9)						COUNTRY OF CITIZENSHIP (10)	
OFFENDER ID NO. (11)		SEX (12)	RACE (13)	HGT. (14)	WGT. (15)	EYES (16)	HAIR (17)	ARRESTING AGENCY NAME & ORI (18)					
ARRESTING OFF. BADGE NO. (19)		DATE OF ARREST (20)		DATE OF OFFENSE (21)		COUNTY OF ARREST (22)		OCA / INCIDENT NO. (23)					
OFF. TYPE (F, M, O) 1. (24) 2. (24) 3. (24)	OFFENSE (25)				STATUTE (26)		CHARGE CODE (27)		NCIC (28)		DISPOSITION (29)		
DATE FINGERPRINTED				NCIC									
ACTION TAKEN BY PROSECUTOR CHARGE DESCRIPTION		CHARGE TYPE		CHARGE CODE		PROSECUTOR CASE NUMBER		PROSECUTOR'S ORI NO. (34)					
1. (30)		(31)		(32)		(33)		DATE ACTION TAKEN (35)					
2.								SIGNATURE (36)					
3.								<p style="text-align: center;">COURT COPY</p> <p style="text-align: center;">THIS COPY IS TO PROVIDE THE OFFENSE CYCLE NUMBER AND ARREST / CHARGE INFORMATION TO THE COURT FOR FINAL DISPOSITION REPORTING .</p>					
4.													
5.													
6.													
7.													
8.													

Court Disposition

SECTION 8

DISSEMINATING CRIMINAL HISTORY INFORMATION



DISSEMINATING CRIMINAL
HISTORY INFORMATION



Disseminating Criminal History Information

Criminal history record information is a valuable resource that is available to criminal justice agencies for employment verification and private use. This information may be accessed in several different manners depending on who is requesting the information and the purpose of the request. The fee associated with the dissemination of criminal history information, the type of information that may be released and who may receive what information is determined by Sections 43.527, 43.530, 43.540, 43.543 and 610.120, RSMo.

The fee for processing criminal records is determined by the type of search method that is utilized and who is requesting the information. A fee of \$5.00 is charged for a personal identifier search, while a fee of \$14.00 is charged for a search supported by fingerprints processed through the AFIS database. Fees must be paid in the form of a personal check or money order made payable to the "State of Missouri, Criminal Record System." All requests may be submitted either by mail or in person to the Criminal Records and Identification Division of the Missouri State Highway Patrol. Requests made in person will be processed while the individual waits. Requests mailed to the repository will be processed in chronological order of the arrival date at the repository. Due to the volume of criminal record requests received at the central repository, processing time on requests mailed in may vary from two to four weeks.

All federal and non-state of Missouri agencies must pay for the requested information when it is not related to the administration of criminal justice.

A criminal record check processed using personal identifiers requires the requestor to submit the name, date of birth and social security number of the individual on whom the check is being performed. A Request for Criminal Record Check form (SHP-158) should be utilized when submitting the request. This type of criminal record request is searched through the criminal history database without the support of fingerprints. Since fingerprints are not supporting the request, the central repository cannot guarantee in any manner that the criminal history information obtained through a personal identifier search positively matches the individual on whom a request was submitted. This is a result of identity thefts that occur when individuals provide alias information at the time of their arrest or at the time of their request for a criminal record check. Alias information often times includes using false information such as the name, social security number and date of birth of another individual.

Criminal record checks supported by fingerprints are processed through AFIS, guaranteeing positive identification. Since fingerprints are an absolute means of identifying an individual, a criminal record check based on the submission of fingerprints is the only search method in which the central repository can positively link an individual to a criminal history record. Criminal record checks supported by fingerprints may be obtained by submitting a completed Federal Bureau of Investigation Applicant Fingerprint Card (FD-258).



Open and Closed Records Section 610.120, RSMo

The central repository conducts hundreds of thousands of record checks each year that include release of both open and closed records.

Open records consist of records containing convictions, pending charges within 30 days of arrest and suspended imposition of sentence during probation.

Closed records consist of all criminal history data, including when the accused is found not guilty, charges were nolle prossed or dismissed, suspended imposition of sentence after probation is complete and an arrest after 30 days when no charges have been filed.

The general public may conduct a criminal record request on anyone as long as the personal identifiers of the subject are supplied. Requests conducted by a search of personal identifiers will receive open records only. Closed records may be obtained by submitting fingerprints; however, they will only be released to individuals conducting criminal record checks on themselves.

Criminal justice agencies that are requesting criminal history information for the administration of criminal justice may access criminal records through MULES at no cost to the requesting agency. The administration of criminal justice as defined in the statutes is considered the performance of any of the following activities: detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of the accused person or criminal offender.

There are several service providers required by Section 43.540, RSMo, to conduct record checks on their employees. This requirement exists for both paid and voluntary positions. The agencies consist of any licensed day-care home, day-care center, child placing agency, residential care facility for children, group home, foster family or any operator licensed pursuant to Chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermediate placement in health care facilities or any entity licensed pursuant to Chapter 197, RSMo. Additionally, youth service agencies are required to request record checks, including any public and private agency, school or association which provides programs, care or treatment for or which exercises supervision over minors. The information received is considered confidential and may only be used for internal purposes.

Under Section 43.543, RSMo, certain agencies, including those identified in Section 621.045, RSMo, are required to submit fingerprints when conducting criminal record checks. These agencies include any state agency providing care, treatment, or supervision over minors and the following boards, commissions and state departments:



Missouri State Board of Accounting
Missouri Board of Registration for Architects, Professional Engineers and Land Surveyors
Board of Barber Examiners
Board of Chiropractic Examiners
Missouri Dental Board
Board of Embalmers and Funeral Directors
Board of Registration for the Healing Arts
Board of Nursing
Board of Optometry
Board of Pharmacy
Missouri Real Estate Commission
Missouri Veterinary Board
Supervisor of Liquor Control
Department of Health
Department of Insurance
Department of Mental Health

The Missouri "Sunshine Law," Section 610.120, RSMo, identifies those agencies allowed to receive closed records. They include:

Sentencing Advisory Commission
Courts
Law enforcement agencies
Child-care agencies
Department of Revenue
Facilities as defined in section 198.006, RSMo
In-home service provider agencies as defined in Section 660.250, RSMo
Division of Workers' Compensation
Federal agencies for investigative purposes

Agencies that conduct a large volume of criminal record checks for employment purposes may submit requests on a diskette in a soft copy format. The diskette will be processed within twenty-four hours.

Criminal records may also be accessed by use of the Caregiver Background Screening form and/or the Request for Child Abuse or Neglect/Criminal Record form.

The Caregiver Background Screening form allows the public to obtain background information on people who provide day-care or health-care services to children, the elderly and persons with disabilities. The form must be completed and signed by both the requestor and the potential caregiver. The requestor will receive a reply from each agency database that was selected on the form. Agencies that serve as resources for the screening process consist of the Division of Family Services, Division of Aging, Department of Mental Health, Department of Health and the Missouri State Highway Patrol. See the Caregiver Background Screening form [Mo 300-1590 (2-99)] for additional information.



The Request for Child Abuse or Neglect/Criminal Record form is used to provide information to child-care agencies, including volunteer agencies, about potential employees and criminal history background information on the individual seeking employment. The Missouri State Highway Patrol will conduct a criminal record inquiry and the Missouri Division of Family Services will provide a child abuse search with information contained in the DFS database. See Request for Child Abuse or Neglect/Criminal Record form [SHP-159A (05-2000)] for additional information.

Federal Record Checks for NonCriminal Justice Agencies

Like criminal fingerprint cards, all federal noncriminal justice record checks must be processed through the central repository. The purpose of the request must be set forth in federal regulations. The state from which the request originates must have a statute specifying that the entity has the authority to check the FBI files for the purpose identified. The FBI will only release their files to a noncriminal justice agency if fingerprints are submitted. Results of federal record checks are to be used by governmental agencies and are not to be released to private entities.

The FBI only has open files and will disseminate all information pertaining to an individual to those authorized to receive such information. Federal record checks for noncriminal justice entities are \$24.00 for licensing or employment checks and \$18.00 for volunteers in covered care facilities.



MISSOURI STATE HIGHWAY PATROL
REQUEST FOR CRIMINAL RECORD CHECK

SHP-158F 08/02

Please print or type.

NAME _____
Last First Middle Jr. / Sr.

MAIDEN / ALIAS _____
Last First Middle Jr. / Sr.

SEX ☐ Male ☐ Female **DOB** ____/____/____ **SOCIAL SECURITY NO.** _____
Month Day Year

RACE ☐ Caucasian ☐ Black ☐ Hispanic ☐ Asian ☐ Other _____

ADDRESS _____
Street - P.O. Box City State Zip Code

REQUESTING ENTITY

Name _____ Phone _____

Address _____

ENTITY TYPE ☐ Government ☐ Private ☐ Association ☐ Individual
☐ Municipal ☐ Profit ☐ Other (specify) _____
☐ State ☐ Not for Profit
☐ Federal

PURPOSE FOR REQUEST (Check all that apply) ☐ Employment ☐ Volunteer ☐ Licensing ☐ Other (specify) _____
☐ Care of youth ☐ Care of elderly ☐ Care of disabled

ATTENTION YOUTH SERVICE PROVIDERS

Sections 43.540 and 589.400 RSMo.

This Criminal History Record Check document, signed by the applicant, will serve as written consent to check criminal record and offender information by the requestor. The information obtained shall be confidential and any person who discloses the information beyond the scope allowed in Sections 43.540 and 589.400 RSMo. shall be subject to prosecution for a Class A misdemeanor.

Signature of Subject of Request

Date

PROCESSING FEE SCHEDULE AND METHOD OF PAYMENT

(per Sections 43.527 and 43.530, RSMo.)

Search based on NAME, DATE OF BIRTH, SOCIAL SECURITY NO.: Five Dollars (\$5.00) per request.

OR

Search based on FINGERPRINTS and NAME: Fourteen Dollars (\$14.00) per individual.
(Fingerprints must accompany this request)

Fee is payable either by check or money order (NO CASH) to "State of Missouri, Criminal Record System."
Please forward the request and fee to:

**Missouri State Highway Patrol, Criminal Records and Identification Division,
Post Office Box 568, Jefferson City, MO 65102**

SEND REPLY TO (Print or type your mailing label below.)

Telephone (include area code) _____

Criminal Records and Identification Division General Information

The Missouri Criminal Records Repository (MCRR), collects, maintains, and disseminates Criminal History Record Information (CHRI) as defined by 43.500 and 589.400 RSMo.

Criminal History Record Information is information collected by criminal justice agencies on individuals consisting of arrests, prosecution, a final disposition, correctional supervision, and release. All felony and serious misdemeanor arrests (referred to as reportable arrests) including offender registration information as defined under 589.400, RSMo, and all alcohol and drug related traffic offenses are reportable to the MCRR.

Criminal history records are designated as open or closed.

- Open records
 1. arrest record for 30 days following arrest unless charges are not sought.
 2. arrest record for which charges have been filed.
 3. court disposition of guilty.
 4. suspended imposition of sentence during probation period.
- Closed records
 1. arrest record after 30 days following arrest with no charges filed.
 2. nolle prossed.
 3. dismissed.
 4. found not guilty.
 5. suspended imposition of sentence after probation completed.
- Open criminal history records are accessible to the general public through MCRR for a fee.
 - Five dollars for a name, date of birth, social security number check.
 - Fourteen dollars for a fingerprint check.
- Closed records are accessible to certain groups designated in section 610.120.
 - MCRR will only release closed records to those noncriminal justice entities entitled to closed records, when the criminal record check is based on a fingerprint search which will assure the identity of the subject in question.
 - Any person can receive their own record, open and closed, by submission of fingerprints and required fee.

Any requester may receive open record information.

Closed records are accessible by the following, in accordance with 610.120 RSMo, with the submission of fingerprints and required fee.

1. Child care agencies
2. Department of Revenue for driving record purposes
3. Facilities as described in Section 198.006, RSMo.
4. In-home services provider agencies as defined in 660.250, RSMo.
5. Division of Workers' Compensation for the purposes of determining eligibility for crime victim's compensation pursuant to Sections 595.010 to 595.075, RSMo.
6. Offender record information, upon written consent, is accessible to Youth Service agencies pursuant to 589.400 RSMo.

FBI Record requests

- The FBI files are open to criminal justice agencies for the administration of criminal justice.
- The FBI has only open files in that if someone has the authority to receive the records, they receive all that is on file.
- The FBI allows access to their files to noncriminal justice agencies for certain purposes for a fee.
 - The purpose for the record check must be set forth in the federal regulations.
 - The state, from which the noncriminal justice request originates, must have a state statute specifying the entity has state authority to check the FBI files for the purpose specified.
 - Fingerprints must be submitted before the FBI will release their files to a noncriminal justice entity.
 - The result of the federal record search must terminate at a governmental agency and is not to be released to a private entity.
- All requests into the federal file from the state entities must come through and be stamped by MCRR.
- Federal record checks for noncriminal justice entities are \$24.00 for licensing or employment checks and \$18.00 for volunteers to those covered care facilities.

PENALTY - A person who knowingly violates any provision of section 610.100, 610.105, 610.106, or 610.120 is guilty of a class A misdemeanor.



STATE OF MISSOURI
CAREGIVER BACKGROUND SCREENING

AGENCY USE

BLOCK I - TO BE COMPLETED BY THE REQUESTOR

SECTION A: TYPE OF SCREENING (Check as many as applicable)

- | | |
|--|---|
| <input type="checkbox"/> 1. Child Abuse or Neglect File (No charge, Notary req) | <input type="checkbox"/> 4. Department of Mental Health Disqualified Registry (No charge, Notary req) |
| <input type="checkbox"/> 2. Family Foster Care Licensing (No charge) | <input type="checkbox"/> 5. Child Day Care Licensing (No charge) |
| <input type="checkbox"/> 3. Division of Aging Employee Disqualified List (No charge, Notary req) | <input type="checkbox"/> 6. State Criminal Background Check/Sexual Offender Registry - Name Search (\$5.00) |

SECTION B: REQUESTOR INFORMATION

Responses generated as a result of this form are confidential. Any person disclosing the information in violation of 43.540, 589.400 RSMo. and/or 210.150 RSMo. is guilty of a class A misdemeanor.

REQUESTOR'S NAME		REQUESTOR'S TELEPHONE	
REQUESTOR'S ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE OF REQUESTOR (REQUIRED IN INK)		DATE	

BLOCK II - TO BE COMPLETED BY THE CAREGIVER

SECTION C: IDENTIFYING DATA FOR BACKGROUND SCREENING

CAREGIVER NAME(LAST, FIRST, MI JR, SR, III)			SOCIAL SECURITY NUMBER	
MAIDEN NAME	DATE OF BIRTH (MMDDYY)	STATE OF BIRTH	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE
ALIAS NAME(S)				

ADDRESSES FOR THE LAST 3 YEARS

STREET	CITY	STATE	STREET	CITY	STATE
--------	------	-------	--------	------	-------

SECTION D: AUTHORIZATION TO RELEASE BACKGROUND CHECK INFORMATION

The information provided is complete and accurate to the best of my knowledge. I understand it is unlawful to withhold or falsify information required on this form. I grant my permission to obtain any and all information needed to process this request, to make the information available to the requestor and to use the information as permitted by law.

SIGNATURE OF CAREGIVER, MUST BE SIGNED IN PRESENCE OF A NOTARY PUBLIC (REQUIRED IN INK)	DATE
---	------

SECTION E: NOTARY INFORMATION (Required for screening types 1, 3 and 4. See Section A above)

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	
USE RUBBER STAMP IN CLEAR AREA BELOW.		

BLOCK III - REQUESTOR MUST PROVIDE RETURN ADDRESS BELOW

MO 300-1590 (8-02)

- ◀ ATTN (REQUESTOR'S NAME)
- ◀ ADDRESS 1
- ◀ ADDRESS 2 (IF APPLICABLE)
- ◀ CITY, STATE, ZIP CODE

MISSOURI'S CAREGIVER BACKGROUND SCREENING SERVICE

INSTRUCTIONS

This service allows the public to receive background information on people who provide daycare or healthcare services to children, the elderly and persons with disabilities.

The State, through various departments, offers several resources to screen caregivers:

1. Child abuse/neglect records, maintained by the Division of Family Services (573) 751-2330
2. Family Foster Care Licensing records, maintained by the Division of Family Services (573) 751-2330
3. The Employee Disqualification List, maintained by the Division of Aging (573) 522-2448
4. The Disqualified Registry, maintained by the Department of Mental Health (573) 751-8567
5. Child Daycare Licensing, maintained by the Department of Health (573) 751-2450
6. State criminal background checks, sexual offender registry, conducted by the Missouri State Highway Patrol (573) 526-6153

The Caregiver Background Screening Request form allows the public to obtain information from these databases through a single request. The form must be completed and signed by both the requestor and the caregiver. The requestor will receive separate responses from each agency database that is selected.

1. Once completed, send the form to the Missouri State Highway Patrol at the address below.
2. **If you have a question about a particular response, please call the agency that sent you the response at the phone number above.**

For purposes of this form, the requestor is the person who wishes to obtain background information on a potential caregiver. The caregiver is the person being screened for the purposes of potential employment as a daycare or healthcare service provider.

BLOCK I (To be completed by the requestor, or person obtaining information)

Section A: Type of Screening

Section A contains the resources available to screen potential caregivers. The requestor must indicate the resources to be included in the background screening. All screenings, except for the state criminal background check, are free of charge. Requests for state criminal background checks must be accompanied by a check for \$5 payable to the Missouri State Highway Patrol. In addition, screenings 1, 3 and 4 require a notary public to witness the caregiver's signed authorization to release information (See Section D and E). Screenings 2, 5 and 6 are considered open information under state statute and do not require a notary's verification.

Section B: Requestor's Information

The requestor must complete Section B.

BLOCK II (To be completed by the caregiver, or person being screened)

Section C: Identifying Data for Background Screening

The caregiver, or person being screened for potential employment, must complete Section C. This section consists of identifying information that is needed to conduct background screenings.

Section D: Authorization to Release Background Check Information

The caregiver must sign Section D to authorize the State to conduct the screening and to provide the information to the requestor. The caregiver must sign Section D in the presence of a notary public if screenings 1, 3 and 4 are selected.

Section E: Notary Information

A notary public must complete Section E after witnessing the caregiver's signed authorization for release of information in Section D.

BLOCK III (To be completed by the requestor, or person obtaining information)

The requestor must complete Block III by providing return address information.

Fill out the form as completely and accurately as possible. Accurate information on the form is essential for a quality background check.

SEND ALL COMPLETED BACKGROUND SCREENING FORMS TO:

Missouri State Highway Patrol
Criminal Records and Identification Division
P.O. Box 568
Jefferson City, MO 65102

Missouri State Highway Patrol / Missouri Department of Social Services
REQUEST FOR CHILD ABUSE OR NEGLECT / CRIMINAL RECORD

TYPE OF SERVICE (Check only one) See reverse side for further instructions. <input type="checkbox"/> (1) Name Search - \$5.00 (Criminal record, offender registry, and child abuse search) <input type="checkbox"/> (2) Fingerprint Search - \$14.00 (Criminal record, offender registry, and child abuse search) <input type="checkbox"/> (3) DFS Central Registry Child Abuse Search Only - No Charge				TYPE OF DAYCARE PROVIDER <input type="checkbox"/> (1) License <input type="checkbox"/> (2) License Exempt <input type="checkbox"/> (3) Registered									
IDENTIFYING DATA (Please type or print information legibly in ink.) The subject of the request must complete the next section and sign.													
APPLICANT'S NAME (Last, First, MI, Jr., Sr., III)													
MAIDEN NAME				DATE OF BIRTH (MM/DD/YY)		STATE OF BIRTH	SEX	RACE					
ALIAS NAME(S)				SOCIAL SECURITY NUMBER		DRIVER'S LICENSE NUMBER / STATE		/					
ADDRESSES FOR PAST 5 YEARS													
STREET		CITY		STATE	STREET		CITY		STATE				
Have you ever been found guilty to or been convicted of any criminal act in this state or any state?													
<input type="checkbox"/> YES (Complete section below) <input type="checkbox"/> NO, I have not been found guilty to or been convicted of any criminal offense in this state or any state.													
DATE		CITY		STATE	COUNTY	CIRCUMSTANCES (Identify charges, attach separate page, if necessary.)							
Have you ever been substantiated as a perpetrator in any child abuse or neglect report made to the Division of Family Services in this state or any state?													
<input type="checkbox"/> YES (Complete section below) <input type="checkbox"/> NO, I have not been substantiated as a perpetrator in any child abuse or neglect report.													
DATE		CITY		STATE	COUNTY	CIRCUMSTANCES (Attach separate page, if necessary.)							
The information provided is complete and accurate to the best of my knowledge. I understand it is unlawful to withhold or falsify information required on this form. I grant permission to the Department of Social Services to obtain any and all information needed to process my request and to use the information as permitted by law.													
SIGNATURE OF APPLICANT (REQUIRED IN INK)						DATE							
SIGNATURE OF REQUESTOR (Required in ink)						DATE							
TITLE OF CHILD CARE PROVIDER						TELEPHONE							
STATE AGENCY						STATE VENDOR OR CONTACT NO. (If applicable)							
CHECK APPROPRIATE BOX													
<input type="checkbox"/> CHILD CARE RELATED EMPLOYMENT			<input type="checkbox"/> DOH / CCB CHILD CARE BUREAU			<input type="checkbox"/> SCHOOLS / PUBLIC AND PRIVATE							
<input type="checkbox"/> CHILD CARE RELATED VOLUNTEER			<input type="checkbox"/> DMH / DMH VENDOR			<input type="checkbox"/> DFS CONTRACT PROVIDER							
<input type="checkbox"/> DFS LICENSURE			<input type="checkbox"/> HEALTH CARE			<input type="checkbox"/> OTHER _____							
RETURN ADDRESS (REQUIRED ON EACH APPLICATION) Complete your mailing label below Confidential Mail													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">AGENCY NAME</td> </tr> <tr> <td style="padding: 5px;">ATTENTION</td> </tr> <tr> <td style="padding: 5px;">ADDRESS</td> </tr> <tr> <td style="padding: 5px;">CITY, STATE, ZIP CODE</td> </tr> </table>										AGENCY NAME	ATTENTION	ADDRESS	CITY, STATE, ZIP CODE
AGENCY NAME													
ATTENTION													
ADDRESS													
CITY, STATE, ZIP CODE													

The purpose of this form is to provide information available to child care agencies including volunteer agencies. The records you receive will be based on the search options you select. The Missouri State Highway Patrol will respond when you choose option 1 or 2. The Missouri Division of Family Services will respond when you choose option 1, 2, or 3. Direct questions regarding criminal records to the Missouri State Highway Patrol (573-526-6153); direct questions regarding child abuse or neglect to the Division of Family Services (573-526-1438, TT: 1-800-735-2466).

The information on this form, and responses generated as a result of this form, are confidential. Any person disclosing the information in violation of 43.540, 589.400, RSMo. and/or 210.150 RSMo. is guilty of a class A misdemeanor.

For information on how to participate in the Child Abuse/Neglect Central Registry examination program, submit a written request from the CEO, owner, director, etc. of your child care related group or organization to: **Director, Division of Family Services, P.O. Box 88, Jefferson City, MO 65103.**

PROCESSING FEE SCHEDULE INFORMATION (43.527 AND 43.530 RSMo.)

By checking boxes 1 thru 3 on the front page of this form, the following applies:

1. Name Search - \$5.00 Provides open records obtained from the Missouri Criminal Record Repository and information from Missouri Division of Family Services' Central Registry.
 - a) Complete the request form.
 - b) Make a check or money order for \$5.00 payable to "State of Missouri Criminal Records System."
 - c) Mail completed form and check or money order to: **Missouri State Highway Patrol, Criminal Records and Identification Division, P.O. Box 568, Jefferson City, MO 65102.**
2. Fingerprint Search - \$14.00 Provides open and closed records with positive identification obtained from the Missouri Criminal Records Repository and information from Missouri Division of Family Services' Central Registry.
 - a) Complete the request form.
 - b) Obtain fingerprints on: Applicant card FD-258 or Patrol card SHP-152. Official taking fingerprints must verify identity of person fingerprinted with an official id such as a driver's license and sign the card as the person taking the fingerprints. Complete the rest of the card as applicable.
 - c) Make a check or money order for \$14.00 payable to "State of Missouri Criminal Records System."
 - d) Mail completed forms and check or money order to: **Missouri State Highway Patrol, Criminal Records and Identification Division, P.O. Box 568, Jefferson City, MO 65102.**
3. DFS Central Registry Child Abuse Search Only - No Charge Provides information obtained from the Division of Family Services Central Registry only. The Division of Family Services (DFS) Central Registry screening will reflect information contained in the DFS database. Any questions about the accuracy of that information should be directed to the DFS office in the residential county of the applicant or the county of employment if the applicant is not a Missouri resident.
 - a) Complete the request form.
 - b) Mail completed form to: **Missouri Division of Family Services, Background Screening / Investigations Unit, P.O. Box 88, Jefferson City, MO 65103.**

OPEN RECORDS - convictions, charges pending, arrests less than thirty days old, and suspended imposition of sentence during probation.

CLOSED RECORDS - charges not filed, not prosecuted, dismissed, or subject found not guilty or suspended imposition of sentence after probation.

SPACE RESERVED FOR SHP/DFS RESPONSE STAMP

DFS USE ONLY

☐ FG ☐ FH ☐ RH ☐ AD (IF RH OR AD, MUST PROVIDE RELATIONSHIP) _____

SIGNATURE OF DFS CSW

SIGNATURE OF COUNTY DIRECTOR

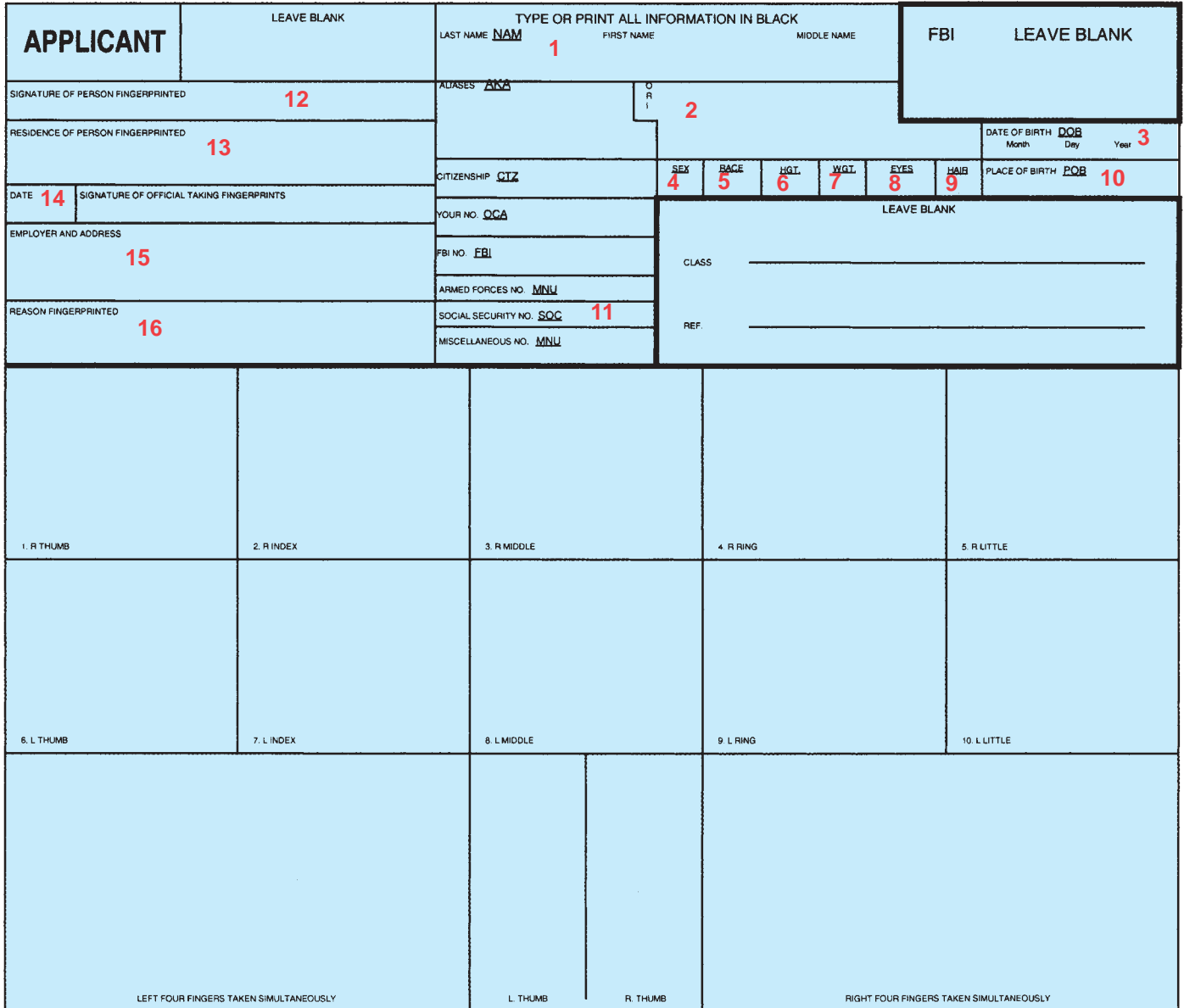
TELEPHONE

REQUESTING COUNTY

INSTRUCTIONS FOR COMPLETING FBI APPLICANT CARD



1. Name of Subject
2. Originating Agency Identifier (if available)
3. Date of Birth
4. Sex = Male or Female
5. Race
 - A=Asian
 - B=Black
 - I=Indian
 - W=White
 - U=Unknown
6. Height (in feet and inches)
7. Weight (in pounds)
8. Eye Color
 - BLK=black
 - BLU=blue
 - BRO=brown
 - GRN=green
 - HAZ=hazel
9. Hair Color
 - BLK=black
 - BLN=blonde
 - BRO=brown,
 - GRY=gray
 - RED=red
 - BAL=bald
10. Place of Birth
11. Social Security Number
12. Signature of Person Fingerprinted
13. Residence of Person Fingerprinted
14. Date Fingerprinted
15. Employer and Address
16. Reason Fingerprinted
(Clearly state position and/or license authorizing fingerprint check. If applicable, list statute number.)



SECTION 9

SEXUAL OFFENDER REGISTRATION PROGRAM



SEX OFFENDER
REGISTRATION



Establishment of the Sexual Offender Registration Program

Missouri's Sex Offender Registration Program was established in 1994 following passage of the federal Violent Crime Control and Law Enforcement Act. This mandate set the minimum requirements that all states were required to meet regarding the establishment of a sexual offender registration program. If states do not meet the minimum requirements under the federal law, they would lose funding under the Byrne Formula Grant. While the federal legislation set the minimum standards, most states enacted stiffer guidelines than the federal laws required. For example, the act required a minimum offender registration requirement of 10 years. Missouri law requires lifetime registration of offenders.

Original Legislation and Amendments

Missouri's original legislation required persons who had committed a felony sexual crime to register with local law enforcement and only allowed law enforcement to release information if the offender was found to be a predatory sexual offender.

Major changes were made to the original legislation in 1997, 1998, 2000 and again in 2002.

In 1997 the statutes were revised and registration requirements were expanded to include certain other crimes when the victim was under age 17, including kidnapping, promoting prostitution, incest, child abuse and use of a child in a sexual performance.

In 1998 the registration requirements were expanded to include a 90-day verification requirement for persistent and predatory sexual offenders and offenders who committed a crime requiring registration if the victim was a minor. Additionally, sheriffs were charged with the responsibility of maintaining a public listing of the offenders, their addresses and the crimes committed.

In 2000 registration requirements were expanded to include those who committed misdemeanor sex offenses. All offenders were required to verify their registration information in person and to register annually in the month of their birth. In addition, the definition of a minor, for purposes of the act, was increased to persons under age 18; and the registration requirement was made a lifetime requirement. In October 2000 a Missouri Supreme Court ruling (J.S. vs. Beard, SC82274) limited the registration requirements to offenders moving into a county instead of to all offenders as under previous interpretations. Under this ruling many offenders were not required to register.

In 2002, Senate Bills 969, 673 and 855 were introduced and passed. These bills provided corrective actions to eliminate deficiencies with the sex offender registry. Registration requirements were changed from any person "coming into any county" to indicate any person receiving a "conviction, release from incarceration, or placed on probation." Under Sections 589.400 to 589.425, RSMo, these offenders shall register with the chief law enforcement official in the county in which the person resides.



The individuals required to register were also changed to any person convicted of a felony offense under Chapter 566, RSMo, or any offense under Chapter 566, RSMo, where the victim was a minor. Additionally, persons convicted of, been found guilty of, or pled guilty to or nolo contendere to an offense in another state that would be a violation of Chapter 566, RSMo, are included in the registration requirements.

Current Registration Requirements

Any person who is convicted of, been found guilty of, or pled guilty to committing or attempting to commit a felony offense under Chapter 566, RSMo, must register as a sex offender.

Any person who is convicted of, been found guilty of, or pled guilty to committing or attempting to commit a misdemeanor offense under Chapter 566, RSMo, where the victim is a minor, must register as a sex offender.

Any person who has been convicted of, been found guilty of, or plead guilty to or attempting to commit one of the following offenses, where the victim is a minor, must register as a sex offender:

- kidnapping under Section 565.110, RSMo,
- felonious restraint,
- promoting prostitution in the first, second or third degree,
- incest,
- abuse of a child under Section 568.060, RSMo,
- use of a child in a sexual performance, or
- promoting a sexual performance by a child.

Under Missouri Law any person who moves into Missouri from another state and is registered in that state or would be required to register under Missouri law had the offense been committed in Missouri must also register as a sex offender. Persons living out of state who work, attend school or training on a full-time or part-time basis must register as a sex offender. (Part time is considered fourteen days in a twelve-month period.)

A federal law known as the “**Campus Sex Crimes Prevention Act**” enacted on October 28, 2000, provides for the tracking of convicted registered sex offenders who are working, volunteering or are enrolled as students at institutions of higher education. The act requires sex offenders who are already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation or is a student.

Any person who has been committed to the Department of Mental Health as a criminal sexual psychopath or any person who has been found not guilty as a result of mental disease or defect to an offense that would require registration is required to register as a sex offender.

Any person who is required to register as a sex offender must do so within ten days of conviction, being released from incarceration or being placed on probation. Requirements exist for all crimes that occurred on or after July 1, 1979. Any individual required to register must register with the chief law enforcement officer of the county in which the person resides or will be residing. In St. Louis City offenders must register with the St. Louis City Police Department.



An offender must register by completing the yellow “Missouri Offender Registration” fingerprint card. If an offender fails to register, he or she is subject to prosecution for a Class A misdemeanor on the first violation and a Class D felony for the second and subsequent violations. Within three days of completing the offender registration card, the chief law enforcement officer will submit the offender registration information to the Missouri State Highway Patrol.

A registered sex offender is also required to verify their registration information annually. Violent or predatory offenders are required to verify their registration information every 90 days. To verify registration information, an offender is required to report in person to the county sheriff’s department in their county of residence and complete the “Change of Address/Statement” form.

Change of Address Notification

When a registrant changes residence or address within the same county, the person shall inform the chief law enforcement officer of the county in writing within ten days of such new address and telephone number. When a registrant changes residence or address to a different county or state, the individual shall appear in person and inform both the chief law enforcement officer of the previous jurisdiction and the officer having jurisdiction over the new county or state. The offender is required to register in the new jurisdiction within ten days of arrival. Whenever a registrant changes residence, the chief law enforcement officer of the county where the person was previously registered shall promptly complete a “Change of Address/Statement” form and submit it to the Missouri State Highway Patrol. When the registrant is changing their residence to a new state, the Missouri State Highway Patrol shall promptly inform the responsible official in the new state of residence.

Accessing Sex Offender Registration Information

The Missouri State Highway Patrol is designated to maintain a sexual offender database within the Missouri Uniform Law Enforcement System (MULES). As a result, both the Highway Patrol and the local law enforcement official are to be notified when an offender is placed on probation by a court or at the time of release from an institution. When an offender registers with the local official, the officer is required to submit the completed registration form to the Highway Patrol’s Criminal Records and Identification Division. Division staff then enters the offender information into the sexual offender database.

Any person may request a current list of offenders registered in their county from their local county sheriff’s department; or in St. Louis City, residents should contact the St. Louis City Police. A few jurisdictions charge a modest copying fee to provide the list. Other counties have implemented an Internet accessible sex offender registration list of offenders registered in their county. Agencies tasked with maintaining sex offender registration lists develop an agency specific policy for dissemination guidelines.



Areas of Concern

Several problems limit the effectiveness of the sexual offender registration program in Missouri. Many offenders considered subject to registration requirements have not initially registered as required, and numerous others have not complied with the continuing registration requirements such as reconfirming their address annually, or every 90 days in the case of violent or predatory offenders. Offenders also fail to notify law enforcement officials when they change address or move into or out of a county as required by the registration laws.

The effectiveness of the offender registration laws has also been hindered by the difficulties local officials have in locating and prosecuting offenders who fail or refuse to register. An offender may have been expected to be located in one county but is actually located in another county. Even if that offender registers in the county where he/she actually went, the county where the offender was expected has the problem of dealing with the records that show the offender has violated the registration laws and should be located and possibly prosecuted.

Law enforcement officials must strive to meet the record keeping requirements and enforce the sexual offender laws while simultaneously dealing with many other high priority demands on their limited resources. More effectively coordinated and responsive systems are needed to allow local and state officials to reduce or eliminate unnecessary enforcement efforts, duplication of efforts and to expedite interagency communications.

When the offender is convicted in a local court and is placed on probation instead of being confined to an institution, the court is responsible for informing the offender of the registration requirements and obtaining the intended place of residence so the court can notify local law enforcement officials. Courts often rely upon probation officers from the state's Division of Probation and Parole to handle the notification tasks. Similarly, when an offender subject to the registration requirements is released from confinement in the Department of Corrections or the Department of Mental Health, those agencies are required to inform the offender of the local registration requirements, obtain the intended place of residence and notify local law enforcement officials.





MISSOURI STATE HIGHWAY PATROL
MISSOURI OFFENDER REGISTRATION NOTIFICATION
STATUTE 589.400 - 589.425 RSMo

SHP-431B 11/00

STATEMENT VERIFICATION
90 DAY VERIFICATION REQUIRED
☐ YES ☐ NO
☐ PERSISTENT / PREDATORY OFFENDER

NAME (LAST, FIRST, MI, JR./SR./III)								RISK LEVEL	
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF BIRTH	SOCIAL SECURITY NO.	RACE	HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR		
INTENDED OR CURRENT ADDRESS (STREET, APT.)			CITY	COUNTY CODE	STATE	ZIP	GEO CODE		
ALIAS NAME			PHONE NO. ()	MOSOP COMPLETED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA		DATE			
SID NO.	FBI NO.	PROBATION / PAROLE NO.		REGISTER NO.		INTERSTATE COMPACT <input type="checkbox"/> YES <input type="checkbox"/> NO			
NAME OF EMERGENCY CONTACT OR SOMEONE LIVING WITH YOU				RELATIONSHIP		PHONE NO. ()			
ADDRESS (STREET, APT.)				CITY	STATE	ZIP			

EMPLOYMENT / SCHOOL INFORMATION

EMPLOYER AND / OR SCHOOL NAME				COUNTY CODE	PHONE NO. ()		
EMPLOYER AND / OR SCHOOL ADDRESS (STREET, APT.)				CITY	STATE	ZIP	GEO CODE

OFFENSE INFORMATION

(1) OFFENSE REQUIRING REGISTRATION				DATE OF OFFENSE	CITY, COUNTY, STATE OF OFFENSE		
CITY, COUNTY, STATE OF CONVICTION / PLEA				DATE OF CONVICTION / PLEA	CONFINEMENT RELEASE DATE	PROB / PAROLE COMPLETION DATE	
VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE	VICTIM AGE	VICTIM RELATIONSHIP	BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI			
(2) OFFENSE REQUIRING REGISTRATION				DATE OF OFFENSE	CITY, COUNTY, STATE OF OFFENSE		
CITY, COUNTY, STATE OF CONVICTION / PLEA				DATE OF CONVICTION / PLEA	CONFINEMENT RELEASE DATE	PROB / PAROLE COMPLETION DATE	
VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE	VICTIM AGE	VICTIM RELATIONSHIP	BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI			

ACKNOWLEDGMENT OF REQUIREMENTS

As an offender who is required to register under Section 589.400 RSMo., I hereby acknowledge that I have been informed of the following.

Initial each box after reading.

☐

The first time registering as an offender I must register in person within 10 days of coming into a jurisdiction, with the Chief Law Enforcement Official of that jurisdiction.

☐

Anytime I **change my residence or address**, I must inform, in person within 10 days, the Chief Law Enforcement Officials of the current and prior jurisdictions, of the change.

☐

If I move to another state, I must inform the Chief Law Enforcement Official where I am currently registered, where I plan to move. I must also meet that state's registration requirements

☐

Failure to comply with the offender registration requirements, is a criminal offense.

☐

90 day and annual address / statement verification of the Offender Registration requirements have been explained to me.

I have read or had read to me and understand the above offender registration requirements.


OFFENDER'S SIGNATURE				DATE			
NOTIFYING AGENCY							
AGENCY NAME			ADDRESS (STREET, P.O. BOX)			CITY	
ZIP	COUNTY CODE	SIGNATURE OF NOTIFYING AGENCY OFFICIAL				AGENCY PHONE NO. ()	
REGISTERING AGENCY							
AGENCY NAME			ADDRESS (STREET, P.O. BOX)			CITY	
ZIP	COUNTY CODE	SIGNATURE OF REGISTERING OFFICIAL			AGENCY PHONE NO. ()		DATE

DISTRIBUTION: **WHITE** - MSHP

CANARY - CLEO

PINK - NOTIFYING AGENCY

GOLDENROD - OFFENDER

 MISSOURI STATE HIGHWAY PATROL MISSOURI OFFENDER REGISTRATION CHANGE OF ADDRESS / STATEMENT Statute 589.414 RSMo		SHP - 428A 09/00		<input type="checkbox"/> VERIFICATION <input type="checkbox"/> 90 Day <input type="checkbox"/> Annual <input type="checkbox"/> CHANGED ADDRESS WITHIN COUNTY <input type="checkbox"/> MOVED OUT OF COUNTY <input type="checkbox"/> To Other County <input type="checkbox"/> To Other State			
		EFFECTIVE DATE		SID NO.			
OFFENDER NAME				DATE OF BIRTH		SOCIAL SECURITY NO.	
OLD ADDRESS		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
NEW ADDRESS		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
EMPLOYER AND / OR SCHOOL NAME						PHONE NO. ()	
ADDRESS		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
ADDITIONAL OFFENSE REQUIRING REGISTRATION		DATE OF OFFENSE		CITY, COUNTY, STATE OF OFFENSE			
CITY, COUNTY, STATE OF CONVICTION / PLEA		DATE OF CONVICTION / PLEA		CONFINEMENT RELEASE DATE		PROB / PAROLE COMPLETE DATE	
VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE	VICTIM AGE	VICTIM RELATIONSHIP	BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI			
OFFENDER SIGNATURE				PHONE NO. ()		DATE	
SUBMITTING AGENCY NAME		SIGNATURE		PHONE NO. ()		DATE	
AGENCY RECEIVING OFFENDER		SIGNATURE		PHONE NO. ()		DATE	

DISTRIBUTION: WHITE - MSHP YELLOW - MSHP / New Chief Law Enforcement Official PINK - Chief Law Enforcement Official File

Missouri Offender Registration Change of Address/Statement-Front

Change of Address

*If an offender changes address **within the county**:*

- ✓ Check the "Changed address within county" box (upper right hand corner of form). Complete the form as applicable.
- ✓ Send the white and yellow copies to MSHP.
- ✓ Keep pink copy for your CLEO file.

*If an offender **moves out of the county** but still remains in Missouri:*

- ✓ Check the "Moved out of county" and "To other county" boxes. Complete form as applicable.
- ✓ Send white copy to MSHP.
- ✓ Send yellow copy to the new CLEO immediately, offender has ten days to notify his new CLEO.
- ✓ Keep pink copy for your CLEO file.
- ✓ After offender has notified the new CLEO of his residency, the new CLEO will verify address and statement, complete the "Agency Receiving Offender", "Signature", "Phone No.", and "Date" boxes on the yellow copy and forward to MSHP.

*If an offender **moves out of state**:*

- ✓ Check the "Moved out of county" and "To other state" boxes. Complete form as applicable using the out of state address as new address.
- ✓ Send the white and yellow copies to MSHP and keep the pink copy for your CLEO file.
- ✓ MSHP will notify the out of state agency of the offender's intended address.

Verification

When verification is required:

- ✓ Check the "90 Day" or "Annual" box and complete the form with the offender's verified address and phone number. Include other additional information when applicable.
- ✓ Send the white and yellow copies to MSHP.
- ✓ Keep pink copy for your CLEO file.

NOTE: If address has changed at time of verification, also check the other appropriate boxes and follow those instructions.

Missouri Offender Registration Change of Address/Statement-Back

Instructions for Completing the Missouri Offender Registration Card



This card is utilized by the Chief Law Enforcement Official (CLEO), of the county who registers the offender.

1. Indication reason of registration.
2. Enter State Identification number, if known.
3. Enter complete name of subject.
4. Indicate risk level of subject.
5. Enter date of birth of subject.
6. Enter subject's social security number.
7. Enter race of subject.
 - W=White
 - A=Asian
 - B=Black
 - I=Indian
 - U=Unknown
8. Enter height of subject.
9. Enter weight of subject.
10. Enter eye color of subject.
11. Enter hair color of subject.
12. Enter current address of subject.
13. Enter city in which subject resides.
14. Enter county code of subject residence.
15. Enter state code of subject residence.
16. Enter zip code of subject residence.
17. Enter Geo Code.
18. List any known aliases.
19. Enter the telephone number of subject.
20. Enter FBI number of subject, if known.
21. Enter Register No. of subject.
22. Enter probation and parole number.
23. Indicate if subject competed MOSOP.
24. Enter Interstate Compact.
25. Identify all known scars, marks, tattoos, and amputations.
26. Indicate if photo was taken of subject.
27. Indicate if photo was forwarded with report.

EMPLOYMENT/SCHOOL INFORMATION

28. Enter name of subject's employer and/or school.
29. Enter code of county where the subject is employed or schooled.
30. Enter the telephone number of subject's employer or school.
31. Enter the address of subject's employer or school.
32. Enter city of employer or school of subject.
33. Enter state of employer or school of subject.
34. Enter zip code of employer or school of subject.
35. Enter Geo Code.



OFFENSE INFORMATION

36. Enter offense committed by subject that requires him/her to register.
37. Enter date the offense was committed.
38. Enter city, county, and state of offense.
39. Enter city, county, and state where subject was convicted.
40. Enter date subject was convicted.
41. Enter date subject was released from confinement.
42. Enter date that probation/parole was completed.
43. Enter sex of the victim.
44. Enter race of the victim.
45. Enter age of the victim.
46. Enter the relationship of the victim and the offender required to register.
47. Enter brief description of the offense.

ACKNOWLEDGEMENT OF REQUIREMENTS

48. Offender checks the box that pertains to him or her.
49. Signature of subject.
50. Enter date the offender signs the registration card.
51. Enter the name of the agency that registers the offender.
52. Enter ORI of agency that registers offender.
53. Enter phone number of agency that registers offender.
54. Enter address of agency that registers offender.
55. Enter the city, state, and zip code of agency that registers offender.
56. Signature of the official registering the offender.
57. Enter date of registration by official.



TYPE OR PRINT ALL INFORMATION IN BLACK INK ON BOTH SIDES OF CARD. MISSOURI STATE HIGHWAY PATROL MISSOURI OFFENDER REGISTRATION STATUTE 589.400 - 589.425 RSMo										STATEMENT VERIFICATION 1 <input type="checkbox"/> 90 DAY VERIFICATION <input type="checkbox"/> PERSISTENT / PREDATORY OFFENDER <input type="checkbox"/> OTHER _____ <input type="checkbox"/> ANNUAL VERIFICATION	
SID NO. 2		NAME (LAST, FIRST, MI, JR/SR/III) 3						RISK LEVEL 4			
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF BIRTH 5	SOCIAL SECURITY NO. 6		RACE 7	HEIGHT 8	WEIGHT 9	EYE COLOR 10	HAIR COLOR 11			
CURRENT ADDRESS (STREET, APT.) 12				CITY 13	COUNTY CODE 14	STATE 15	ZIP 16	GEO CODE 17			
ALIAS NAME 18						PHONE NO. 19 ()					
FBI NO. 20	REGISTER NO. 21	PROBATION / PAROLE NO. 22		MOSOP COMPLETED DATE 23 <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA		INTERSTATE COMPACT 24 <input type="checkbox"/> YES <input type="checkbox"/> NO					
SCARS / MARKS / TATTOOS 25						PHOTO TAKEN 26 <input type="checkbox"/> YES <input type="checkbox"/> NO		PHOTO FORWARDED WITH REPORT 27 <input type="checkbox"/> YES <input type="checkbox"/> NO			
1. RIGHT THUMB		2. RIGHT INDEX		3. RIGHT MIDDLE		4. RIGHT RING		5. RIGHT LITTLE			
6. LEFT THUMB		7. LEFT INDEX		8. LEFT MIDDLE		9. LEFT RING		10. LEFT LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				LEFT THUMB	RIGHT THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY					

Missouri Offender Registration Card – Front



Mail completed form to: Missouri State Highway Patrol, Criminal Records and Identification Division, P.O. Box 568, Jefferson City, MO 65102. Phone (573) 526-6153

EMPLOYMENT / SCHOOL INFORMATION									
EMPLOYER AND / OR SCHOOL NAME 28						COUNTY CODE 29	PHONE NO. () 30		
EMPLOYER AND / OR SCHOOL ADDRESS (STREET, APT.) 31				CITY 32		STATE 33	ZIP 34	GEO CODE 35	
OFFENSE INFORMATION									
(1) OFFENSE REQUIRING REGISTRATION 36				DATE OF OFFENSE 37		CITY, COUNTY, STATE OF OFFENSE 38			
CITY, COUNTY, STATE OF CONVICTION / PLEA 39				DATE OF CONVICTION / PLEA 40		CONFINEMENT RELEASE DATE 41		PROB / PAROLE COMPLETION DATE 42	
VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE 44	VICTIM AGE 45	VICTIM RELATIONSHIP 46	BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI 47					
(2) OFFENSE REQUIRING REGISTRATION				DATE OF OFFENSE		CITY, COUNTY, STATE OF OFFENSE			
CITY, COUNTY, STATE OF CONVICTION / PLEA				DATE OF CONVICTION / PLEA		CONFINEMENT RELEASE DATE		PROB / PAROLE COMPLETION DATE	
VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE	VICTIM AGE	VICTIM RELATIONSHIP	BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI					
ACKNOWLEDGMENT OF REQUIREMENTS									
As an offender who is required to register under Section 589.400 RSMo., I hereby acknowledge that I have been informed of the following. Initial each box after reading.									
<input type="checkbox"/> I must contact the county law enforcement agency every ninety days to verify the information contained in my statement if: I am a registered predatory, or persistent sexual offender. 48 or I am registered for a crime where the victim was less than 18 years of age. or I have been found guilty or pled guilty of failing to register as an offender.					<input type="checkbox"/> Anytime I change my residence or address, I must inform, in person within 10 days, the Chief Law Enforcement Officials of the current and prior jurisdictions, of the change.				
<input type="checkbox"/> If I move to another state, I must inform the Chief Law Enforcement Official where I am currently registered, where I plan to move. I must also meet that state's registration requirements.					<input type="checkbox"/> I must report annually in person in the month of my birth to the Chief Law Enforcement Officials to verify the information contained in my statement.				
<input type="checkbox"/> Failure to comply with the offender registration requirements, is a criminal offense.									
I have read or had read to me and understand the above offender registration requirements.									
OFFENDER'S SIGNATURE 49					DATE 50				
REGISTERING AGENCY NAME 51			AGENCY ORI 52			AGENCY PHONE NO. () 53			
ADDRESS (STREET, P.O. BOX) 54					CITY, STATE, ZIP 55				
SIGNATURE OF REGISTERING OFFICIAL 56					DATE 57				

Missouri Offender Registration Card – Back

SECTION 10

***MISSOURI
REVISED STATUTES***



Chapter 43 - Highway Patrol, State



Definitions.

43.500. As used in sections 43.500 to 43.530, the following terms mean:

- (1) "Central repository", the Missouri state highway patrol criminal records division for compiling and disseminating complete and accurate criminal history records;
- (2) "Committee", criminal records advisory committee;
- (3) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;
- (4) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;
- (5) "State offense cycle number", a preprinted number on the state fingerprint card which is used to identify each arrest which may include multiple offenses for which a person is fingerprinted. This number will be associated with an offense incident from the date of arrest to the date the offender exits from the criminal justice system;
- (6) "Without undue delay", as soon as possible but not later than thirty days after the criminal history event;
- (7) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information, including fingerprint searches, photographs, and other indicia of identification.

(L. 1986 H.B. 873 & 874 § 1)

Chapter 43 - Highway Patrol, State



Arrest, charge and disposition of misdemeanors and felonies to be sent to highway patrol—procedure for certain juveniles.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.530.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied by the highway patrol. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf. In instances where an individual less than seventeen years of age is taken into custody for an offense which would be considered a felony if committed by an adult, the arresting officer shall take one set of fingerprints for the central repository and may take another set for inclusion in a local or regional automated fingerprint identification system. These fingerprints shall be taken on fingerprint cards which are plainly marked "juvenile card" and shall be provided by the central repository. The fingerprint cards shall be so constructed that only the fingerprints, unique identifying number, and the court of jurisdiction are made available to the central or local repository. The remainder of the card which bears the individual's identification and the duplicate unique number shall be provided to the court of jurisdiction. The appropriate portion of the juvenile fingerprint card shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards. In the event the fingerprints from this card are found to match latent prints searched in the automated fingerprint identification system, the court of jurisdiction shall be so advised.

3. The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

4. The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol, with all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to subsections 6 and 7 of this section. Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding

Chapter 43 - Highway Patrol, State



(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as assigned by the highway patrol.

5. The clerk of the courts of each county or city not within a county shall furnish court judgment and sentence documents and the state offense cycle number of the offense, which result in the commitment or assignment of an offender, to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552, RSMo. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested, within ten days of such disposition.

6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, or commits a person to the department of mental health pursuant to chapter 552, RSMo, the court shall order a law enforcement agency to fingerprint immediately all persons appearing before the court to be sentenced or committed who have not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

7. The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

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Access to central repository by private entities responsible for probation services—restrictions.

43.504. Notwithstanding section 610.120, RSMo, the sheriff of any county, the sheriff of the city of St. Louis, and the judges of the circuit courts of this state may make available, for review, information obtained from the central repository to private entities responsible for probation supervision pursuant to sections 559.600 to 559.615, RSMo. When the term of probation is completed or when the material is no longer needed for purposes related to the probation, it shall be returned to the court or destroyed. The private entities shall not use or make this information available to any other person for any other purpose.

(L. 1993 S.B. 180)

Uniform crime reporting system established—duties of department —violations, penalty.

43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitu-

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that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

4. Any law enforcement agency that violates this section may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes.

(L. 2000 H.B. 1677, et al.)

Chapter 43 - Highway Patrol, State



Crimes to be reported, exceptions—method of reporting—repository of latent prints.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to 43.530 include all felonies and serious or aggravated misdemeanors consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System. In addition, all cases arising pursuant to sections 566.010 to 566.141, RSMo, where the defendant pleads guilty to an offense involving a child under seventeen years of age and the court imposes a suspended imposition of sentence shall be reported. The following types of offenses shall not be considered reportable for the purposes of sections 57.403, RSMo, 43.500 to 43.530, and 595.200 to 595.218, RSMo: disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct, nonspecific charges of suspicion or investigation, and general traffic violations and all misdemeanor violations of the state wildlife code. All violations for driving under the influence of drugs or alcohol are reportable. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to 43.530 shall be available only as set forth in section 610.120, RSMo.

2. With the exception of the manual reporting of arrests and fingerprints by law enforcement agencies as noted in subsection 2 of section 43.503, and notwithstanding subsections 2 to 7 of section 43.503, law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer systems in the state with the approval of the advisory committee.

3. In addition to the repository of fingerprint records for individual offenders, the central repository of criminal history records for the state shall maintain a repository of latent prints.

(L. 1986 H.B. 873 & 874 § 3, A.L. 1989 S.B. 215 & 58, A.L. 1991 H.B. 566, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722)

CROSS REFERENCE: Arrest records, open records law, certain records closed when, exceptions, RSMo 610.100 to 610.120

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Disclosure of criminal history information, who may receive.

43.507. All criminal history information, in the possession or control of the central repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are subjects of the criminal history. Prior to such information being made available, information that uniquely identifies the individual shall be deleted. Organizations receiving such criminal history information shall not reestablish the identity of the individual and associate it with the criminal history information being provided.

(L. 1989 S.B. 215 & 58)

Rulemaking authority, department of public safety—rulemaking procedure.

43.509. The director of the department of public safety shall, in accordance with the provisions of chapter 536, RSMo, establish such rules and regulations as are necessary to implement the provisions of sections 43.500 to 43.530. All collection and dissemination of criminal history information shall be in compliance with chapter 610, RSMo, and applicable federal laws or regulations. Such rules shall relate to the collection of criminal history information from or dissemination of such information to criminal justice, noncriminal justice, and private agencies or citizens both in this and other states. No rule or portion of a rule promulgated under the authority of sections 43.500 to 43.530 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1986 H.B. 873 & 874 § 4, A.L. 1994 H.B. 1437 & 1148, A.L. 1995 S.B. 3)

Charge code manual, publication, use.

43.512. The central repository, with the approval of the supreme court, shall publish and make available to criminal justice officials, a standard manual of codes for all offenses in Missouri. The manual of codes shall be known as the "Missouri Charge Code Manual", and shall be used by all criminal justice agencies for reporting information required by sections 43.500 to 43.530.

(L. 1986 H.B. 873 & 874 § 5)

Rulemaking authority, highway patrol criminal record division.

43.515. The central repository, with the approval of the attorney general, shall publish regulations governing the security and privacy of criminal history record information as required by this state and by federal law or regulation.

(L. 1986 H.B. 873 & 874 § 6)

Criminal records advisory committee, established—purpose—members —meetings, quorum—minutes, distribution, filing of.

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Criminal records advisory committee, established—purpose—members —meetings, quorum—minutes, distribution, filing of.

43.518. 1. There is hereby established within the department of public safety a “Criminal Records Advisory Committee” whose purpose is to recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the circuit court budget committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

(L. 1986 H.B. 873 & 874 §7)

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Juveniles not to be fingerprinted, exception.

43.521. Sections 43.500 to 43.530 shall not require fingerprinting of juvenile offenders or reporting of information pertaining to a proceeding pursuant to the Missouri juvenile code, except in those cases where a juvenile is certified to the circuit court to stand trial as an adult.

(L. 1986 H.B. 873 & 874 § 8)

Requests for delayed compliance, how made, when.

43.524. 1. Records required to be filed with the central repository under the provisions of sections 43.500 to 43.530 shall be filed beginning January 1, 1988. The moneys in the fund as set forth in section 43.530 shall be subject to appropriation by the general assembly for the particular purpose for which collected. On January 1, 1987, the central repository as defined in subdivision (1) of section 43.500 shall begin to charge the fees set forth in section 43.530.

2. An agency required to comply with the provisions of sections 43.500 to 43.530 may request a delay for compliance with sections 43.500 to 43.530 on the basis of technical restraints, and shall submit with the request for delayed compliance a description of the restraint and the earliest date possible for resolution of the restraint.

3. The director of the department of public safety shall submit the request for delayed compliance to the criminal records advisory committee for review and approval within thirty days of receipt and advise the requesting agency of the committee recommendation within sixty days of the receipt of the request.

4. All such requests for delayed compliance must be submitted to the director of the department of public safety no later than October 1, 1986, and no delay may be granted which extends the date for compliance past January 1, 1989.

(L. 1986 H.B. 873 & 874 § 9)

Payment for records, exceptions.

43.527. For purposes of sections 43.500 to 43.530 all federal and nonstate of Missouri agencies shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (3) of section 43.500, when such information is not related to the administration of criminal justice. For purposes of sections 43.500 to 43.530 the administration of criminal justice is defined in subdivision (7) of section 43.500.

(L. 1986 H.B. 873 & 874 § 10)

Chapter 43 - Highway Patrol, State



Fees, method of payment—criminal record system fund, established —fund not to lapse.

43.530. For each request received by the central repository, as defined in subdivision (1) of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than fourteen dollars per request for classification and search of fingerprints. Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, or money order payable to the state of Missouri-criminal record system. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in section 43.527, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

(L. 1986 H.B. 873 & 874 § 11, A.L. 1993 S.B. 180)

Criminal history information to be available to qualified persons and organizations.

43.531. For the protection of children, all criminal history information, in the possession or the control of the Missouri criminal records repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are the subjects of the criminal history. Prior to such information being made available, information that uniquely identifies the individual must be deleted. Organizations receiving such criminal history information shall not reestablish the identity* of the individual and associate it with the criminal history information being provided. The provisions of section 610.120, RSMo, shall not apply to depersonalized criminal history information releases for research purposes.

(L. 1989 H.B. 502, et al. § 7)

*Word "identify" appears in original rolls.

Criminal conviction record checks, patrol to conduct, when, procedure, information to be released, who may request—use limited to staff and volunteer applicants, confidentiality, violation, penalty.

43.540. 1. As used in this section, the following terms mean:

- (1) "Criminal record review", a request to the highway patrol for information concerning any criminal history record for a felony or misdemeanor;
- (2) "Patient or resident", a person who by reason of aging, illness, disease or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this

Chapter 43 - Highway Patrol, State



section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;

(3) "Patrol", the Missouri state highway patrol;

(4) "Provider", any licensed day care home, licensed day care center, licensed child placing agency, licensed residential care facility for children, licensed group home, licensed foster family group home, licensed foster family home or any operator licensed pursuant to chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent placement in health care facilities or any entity licensed pursuant to chapter 197, RSMo;

(5) "Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.

2. Upon receipt of a written request from a private investigatory agency, a youth service agency or a provider, with the written consent of the applicant, the highway patrol shall conduct a criminal record review of an applicant for a paid or voluntary position with the agency or provider if such position would place the applicant in contact with minors, patients or residents.

3. Any request for information made pursuant to the provisions of this section shall be on a form provided by the highway patrol and shall be signed by the person who is the subject of the request.

4. The patrol shall respond in writing to the youth service agency or provider making a request for information pursuant to this section and shall inform such youth service agency or provider of the nature of the offense, and the date, place and court. Notwithstanding any other provision of law to the contrary, the youth service agency or provider making such request shall have access to all records of arrests resulting in an adjudication where the applicant was found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to chapter 565, RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for offenses described in sections 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period of any probation imposed by the sentencing court.

5. Any information received by a provider or a youth services agency pursuant to this section shall be used solely for the provider's or youth service agency's internal purposes in determining the suitability of an applicant or volunteer. The information shall be confidential and any person who discloses the information beyond the scope allowed in this section is guilty of a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services agency of the requirements of this subsection and the penalties provided in this subsection at the time it releases any information pursuant to this section.

(L. 1988 H.B. 1559 § 1, A.L. 1991 H.B. 566, A.L. 1994 S.B. 693, A.L. 1996 H.B. 1362)

Effective 7-12-96

CROSS REFERENCE: No charge for background check of homeless former members of militia or armed forces, 610.103

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Senate investigator to have access to criminal history without charge from criminal justice agencies reporting to central repository.

43.541. Each criminal justice agency which submits criminal arrest, charge and disposition information to the central repository shall make criminal history information available on request to the investigator of the Missouri senate without charge.

(L. 1992 H.B. 852 § 1)

Certain agencies to submit fingerprints, reporting.

43.543. Any state agency listed in section 621.045, RSMo, or any state agency which provides programs, care or treatment for or which exercises supervision over minors shall submit two sets of fingerprints for any person seeking employment with such agency or provider or for any person who is seeking the issuance or renewal of a license, permit or certificate of registration or authority from such agency, for the purpose of checking the person's prior criminal history when the state agency determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the record request.

(L. 1993 S.B. 180)

Highway patrol to include incidents of domestic violence in crime index.

43.545. The state highway patrol shall include in its voluntary system of reporting for compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this section only, "domestic violence" shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.

(L. 1991 H.B. 566, A.L. 1992 H.B. 1471 merged with S.B. 457, A.L. 1996 S.B. 869, A.L. 1999 S.B. 1, et al., A.L. 2000 S.B. 1002 Revision § 479.261 subsec. 2)

*Transferred 2000; formerly § 479.261 subsec. 2

Chapter 610 - Governmental Bodies and Records



Definitions—arrest and incident records shall be available to public —closed records, when—record redacted, when—access to incident reports, record redacted, when—action for disclosure of investigative report authorized, costs—application to open incident and arrest reports, civil penalty—identity of victim of sexual offense.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

- (1) “Arrest”, an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;
 - (2) “Arrest report”, a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;
 - (3) “Inactive”, an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:
 - (a) A decision by the law enforcement agency not to pursue the case;
 - (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;
 - (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;
 - (4) “Incident report”, a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;
 - (5) “Investigative report”, a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.
2. Each law enforcement agency of this state, of any county, and of any municipality, shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty days of the person’s arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.
3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a

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3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount not to exceed five hundred dollars, and the court shall order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her

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or agency shall be subject to a civil penalty in an amount not to exceed five hundred dollars, and the court shall order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed.

(L. 1973 S.B. 1 § 6, A.L. 1981 H.B. 554, A.L. 1993 H.B. 170, A.L. 1994 S.B. 554, A.L. 1995 H.B. 135, A.L. 1998 H.B. 1095)

(1986) Application of this block of sections to records kept before September 28, 1973, does not violate constitutional ban on ex post facto or retrospective legislation contained in section 13 of Article I of the Missouri Constitution. *Martin v. Schmalz*, 713 S.W.2d 22 (Mo.App.).

(1993) Arrest records of venirepersons obtained by state did not violate statute which required such records to be closed to general public. Arrest records may be accessed for use in selecting jury. *State v. Johnson*, 858 S.W.2d 254 (Mo. App. E.D.).

Criminal background check completed without fee, when.

610.103. Notwithstanding any other provision of law to the contrary, whenever a criminal background check is requested in connection with gaining employment, housing or any other services or benefit of any homeless former member of the organized militia or the armed forces of the United States who has been honorably discharged, such background check shall be completed and transmitted to the requesting party without any fee or other compensation for such background check or copy of any relevant public record pertaining to such request. For purposes of this section "homeless" means an involuntary state characterized by a lack of housing or shelter.

(L. 1998 H.B. 1046)

Effect of nolle pros—dismissal—sentence suspended on record—not guilty due to mental disease or defect, effect.

610.105. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in section 610.120 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, RSMo, and in-home services provider agencies as defined in section 660.250, RSMo, in the manner established by section 610.120.

(L. 1973 S.B. 1 § 7, A.L. 1981 H.B. 554, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095, A.L. 2001 S.B. 267)

Suspended sentence prior to September 28, 1981, procedure to close records.

610.106. Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the

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Suspended sentence prior to September 28, 1981, procedure to close records.

610.106. Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.

(L. 1981 H.B. 554)

(1985) Held, that a witness can be impeached by his prior guilty plea, even though he had completed probation under a suspended imposition of sentence. *State v. Brooks*, (A.) 694 S.W.2d 851.

Failure to recite closed record excused—exceptions.

610.110. No person as to whom such records have become closed records shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his failure to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose, except as provided in section 491.050, RSMo, and section 610.120.

(L. 1973 S.B. 1 § 8, A.L. 1981 H.B. 554)

Penalty.

610.115. A person who knowingly violates any provision of section 610.100, 610.105, 610.106, or 610.120 is guilty of a class A misdemeanor.

(L. 1973 S.B. 1 § 9, A.L. 1981 H.B. 554)

Records to be confidential—accessible to whom, purposes—child care, defined.

610.120. 1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. They shall be available to the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, department of revenue for driving record purposes, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the

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parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

2. As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

(L. 1981 H.B. 554, A.L. 1983 S.B. 72, A.L. 1989 S.B. 215 & 58, A.L. 1992 S.B. 573 & 634, A.L. 1994 H.B. 1677 merged with S.B. 554 merged with S.B. 763)

Arrest record expunged, requirements.

610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that the arrest was based on false information and the following conditions exist:

- (1) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;
- (2) No charges will be pursued as a result of the arrest;
- (3) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions;
- (4) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and
- (5) No civil action is pending relating to the arrest or the records sought to be expunged.

(L. 1993 H.B. 170 § 1 merged with H.B. 562 § 11, A.L. 1995 H.B. 135)

(2000) Section does not preclude expungement of arrest records of arrestee who has been charged with and acquitted of an offense, but acquittal alone is insufficient for expungement; burden is on that party to affirmatively prove his or her innocence. *Martinez v. State*, 24 S.W.3d 10 (Mo.App.E.D.).

Procedure to expunge, supreme court to promulgate rules—similar to small claims.

610.123. 1. Any person who wishes to have a record of arrest expunged pursuant to section 610.122 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection 4 of this section. The petition shall include

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Procedure to expunge, supreme court to promulgate rules—similar to small claims.

610.123. 1. Any person who wishes to have a record of arrest expunged pursuant to section 610.122 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection 4 of this section. The petition shall include the following information or shall be dismissed if the information is not given:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Driver's license number;

(f) Social Security number; and

(g) Address at the time of the arrest;

(2) The offense charged against the petitioner;

(3) The date the petitioner was arrested;

(4) The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;

(5) The name of the agency that arrested the petitioner;

(6) The case number and court of the offense.

2. The petition shall name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason to believe may possess the records subject to expungement. The court's order shall not affect any person or entity not named as a defendant in the action.

3. The court shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each official or agency or other entity named in the petition.

4. If the court finds that the petitioner is entitled to expungement of any record that is the subject of the petition, it shall enter an order directing expungement. A copy of the order shall be provided to each agency identified in the petition pursuant to subsection 2 of this section.

5. The supreme court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 610.122. Such procedures shall be similar to the procedures established in chapter 482, RSMo, for the handling of small claims.

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provided to each agency identified in the petition pursuant to subsection 2 of this section.

5. The supreme court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 610.122. Such procedures shall be similar to the procedures established in chapter 482, RSMo, for the handling of small claims.

(L. 1993 H.B. 170 § 2 merged with H.B. 562 § 12, A.L. 1995 H.B. 135)

Destruction of arrest records—removal from all electronic files—FBI requested to expunge—protest to expungement, procedure.

610.124. 1. All records ordered to be expunged pursuant to section 610.123 shall be destroyed, except as provided in this section. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to section 610.123 shall be removed from all electronic files maintained with the state of Missouri. The central repository shall request the Federal Bureau of Investigation expunge the records from its files.

2. Any petitioner, or agency protesting the expungement, may appeal the court's decision in the same manner as provided for other civil actions.

(L. 1993 H.B. 170 § 3 merged with H.B. 562 § 13)

Failure to comply with expungement order, penalty—knowingly using expunged record for gain, penalty.

610.125. 1. A person subject to an order of the court in subsection 4 of section 610.123 who knowingly fails to expunge or obliterate, or releases arrest information which has been ordered expunged pursuant to section 610.123 is guilty of a class B misdemeanor.

2. A person subject to an order of the court in subsection 4 of section 610.123 who, knowing the records have been ordered expunged, uses the arrest information for financial gain is guilty of a class D felony.

(L. 1993 H.B. 170 § 4 merged with H.B. 562 § 14, A.L. 1998 H.B. 1095)

Expungement does not deem arrest invalid—department of revenue may retain records necessary for administrative actions on driver's license—power to close or expunge record, limitation.

610.126. 1. An expungement of an arrest record shall not reflect on the validity of the arrest and shall not be construed to indicate a lack of probable cause for the arrest.

2. Except as provided by sections 610.122 to 610.126, the courts of this state shall have no legal or equitable authority to close or expunge any arrest record.

3. The petitioner shall not bring any action subsequent to the expungement against any person or agency relating to the arrest described in the expunged records.

(L. 1993 H.B. 170 § 5 merged with H.B. 562 § 15, A.L. 1995 H.B. 135 merged with H.B. 174,

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3. The petitioner shall not bring any action subsequent to the expungement against any person or agency relating to the arrest described in the expunged records.

(L. 1993 H.B. 170 § 5 merged with H.B. 562 § 15, A.L. 1995 H.B. 135 merged with H.B. 174, et al.)

“911” telephone reports inaccessible, exceptions.

610.150. Except as provided by this section, any information acquired by a law enforcement agency by way of a complaint or report of a crime made by telephone contact using the emergency number, “911”, shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers’ compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

(L. 1988 H.B. 1667 § 1, A.L. 1995 H.B. 135)

Law enforcement agency log or record of suspected crimes, accidents or complaints, available for inspection and copying—limitation.

610.200. 1. Except as provided in subsection 2 of this section all law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:

- (1) The time, substance, and location of all complaints or requests for assistance received by the agency;
- (2) The time and nature of the agency’s response to all complaints or requests* for assistance; and
- (3) If the incident involves an alleged crime or infraction:
 - (a) The time, date, and location of occurrence;
 - (b) The name and age of any victim, unless the victim is a victim of a crime under chapter 566, RSMo;
 - (c) The factual circumstances surrounding the incident; and
 - (d) A general description of any injuries, property or weapons involved.

2. Any law enforcement agency with custody of an accident report or incident report, as defined in section 610.100, shall not release for sixty days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of subdivision (3) of subsection 1 of this section to a person that is not an interested party. For the purposes of this subsection, an “interested party” is any law enforcement agency, any person who was involved in the accident or incident, the street department of the jurisdiction involved, the owner of any vehicle involved in the accident or

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the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of subdivision (3) of subsection 1 of this section to a person that is not an interested party. For the purposes of this subsection, an “interested party” is any law enforcement agency, any person who was involved in the accident or incident, the street department of the jurisdiction involved, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident or any attorney or any member of the news media.

(L. 1995 H.B. 135 § 1, A.L. 1998 H.B. 1095, A.L. 2000 H.B. 1289)



Registration of certain offenders with chief law officers of county of residence—time limitation—cities may request copy of registration.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

- (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, an offense of chapter 566, RSMo; or
- (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or
- (3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or
- (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or
- (5) Any person who is a resident of this state and has been or is required to register in another state or has been or is required to register under federal or military law; or
- (6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply* shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602)

*Word "applies" appears in original rolls.

Correctional facility or mental health institution releasing on parole or discharge, official in charge, duties.

589.403. Any person to whom subsection 1 of section 589.400 applies who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined, shall be informed by the official



Correctional facility or mental health institution releasing on parole or discharge, official in charge, duties.

589.403. Any person to whom subsection 1 of section 589.400 applies who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined, shall be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall obtain the address where the person expects to reside upon discharge, parole or release, and shall report such address to the chief law enforcement official of the county where the person expects to reside upon discharge, parole or release.

(L. 1997 H.B. 883)

Court's duties upon release of sexual offender.

589.405. Any person to whom subsection 1 of section 589.400 applies who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425, the court shall obtain the address where the person expects to reside upon discharge, parole or release and shall report such address to the chief law enforcement official of the county where the person expects to reside upon discharge, parole or release.

(L. 1997 H.B. 883)

Registration, required information.

589.407. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the place of employment of such person, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al.)

Effective 1-1-99

Highway patrol to be notified, information to be made a part of MULES.

589.410. The chief law enforcement official shall forward the completed offender registration form to the Missouri state highway patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to mem-



Highway patrol to be notified, information to be made a part of MULES.

589.410. The chief law enforcement official shall forward the completed offender registration form to the Missouri state highway patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602)

Registrant's duties on change of address—time limitations for certain notifications.

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018, RSMo;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to



(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602)

Statements, photographs and fingerprints required not to be public records—disclosure authorized for law enforcement officials and agencies—complete list of offenders maintained—released upon request.

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al.)

Effective 1-1-99

Temporary assignment outside correctional facility or mental health institution—official in charge to notify before release—exception.

589.420. In any case where any person who would be required by sections 589.400 to 589.425 to register is temporarily sent outside a correctional facility or a mental health institution where the person is confined, on any assignment of whatever nature, the chief law enforcement official of the county having jurisdiction over the place where the assignment occurs shall be notified by the official in charge of the correctional facility or mental health institution within a reasonable time prior to removal from the correctional facility or mental health institution. This section shall not apply to any person temporarily released under guard from the correctional facility or mental health institution in which such person is confined.

(L. 1997 H.B. 883)

Failure to register, penalty—subsequent violations, penalty.

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and does not meet all requirements of sections 589.400 to 589.425 is guilty of a class A misdemeanor.

Chapter 589 - Crime Prevention and Control Programs and Services



Failure to register, penalty—subsequent violations, penalty.

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and does not meet all requirements of sections 589.400 to 589.425 is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

(L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602)

Chapter 211 - Juvenile Courts



Juvenile court to have exclusive jurisdiction, when—exceptions.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen

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(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a

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to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

(L. 1957 p. 642 § 211.030, A.L. 1976 S.B. 511, A.L. 1980 S.B. 512, A.L. 1983 S.B. 368, A.L. 1989 H.B. 502, et al., A.L. 1990 H.B. 1030, A.L. 1991 H.B. 202 & 364, A.L. 1993 H.B. 346, A.L. 1999 S.B. 1, et al.)

Jurisdiction as to custody of child not exclusive.

211.051. Nothing contained in this chapter deprives other courts of the right to determine the legal custody of children upon writs of habeas corpus or to determine the legal custody or guardianship of children when the legal custody or guardianship is incidental to the determination of causes pending in other courts. Such questions, however, may be certified by another court to the juvenile court for hearing, determination or recommendation.

(L. 1957 p. 642 § 211.040)

(1974) Where juvenile court assumed jurisdiction over child and made award of custody such jurisdiction excludes any other court of concurrent jurisdiction from adjudicating custody in a habeas corpus proceeding. State ex rel. McCarty v. Kimberlin (A.), 508 S.W.2d 196.